

**Preliminary Short Plat Staff Report  
Provenance Open space/Common area Short Plat  
File# SPL-22-0007**

---

**I. GENERAL INFORMATION:**

**Application Date:** June 2, 2022

**Complete  
Application Date:** October 11, 2022

**Issue Date:** December 22, 2022

**Applicant:** Eben Corliss, President for the Provenance Homeowners Association Board of Directors, 1302 Puyallup Street, Suite A, Sumner, WA 98390.

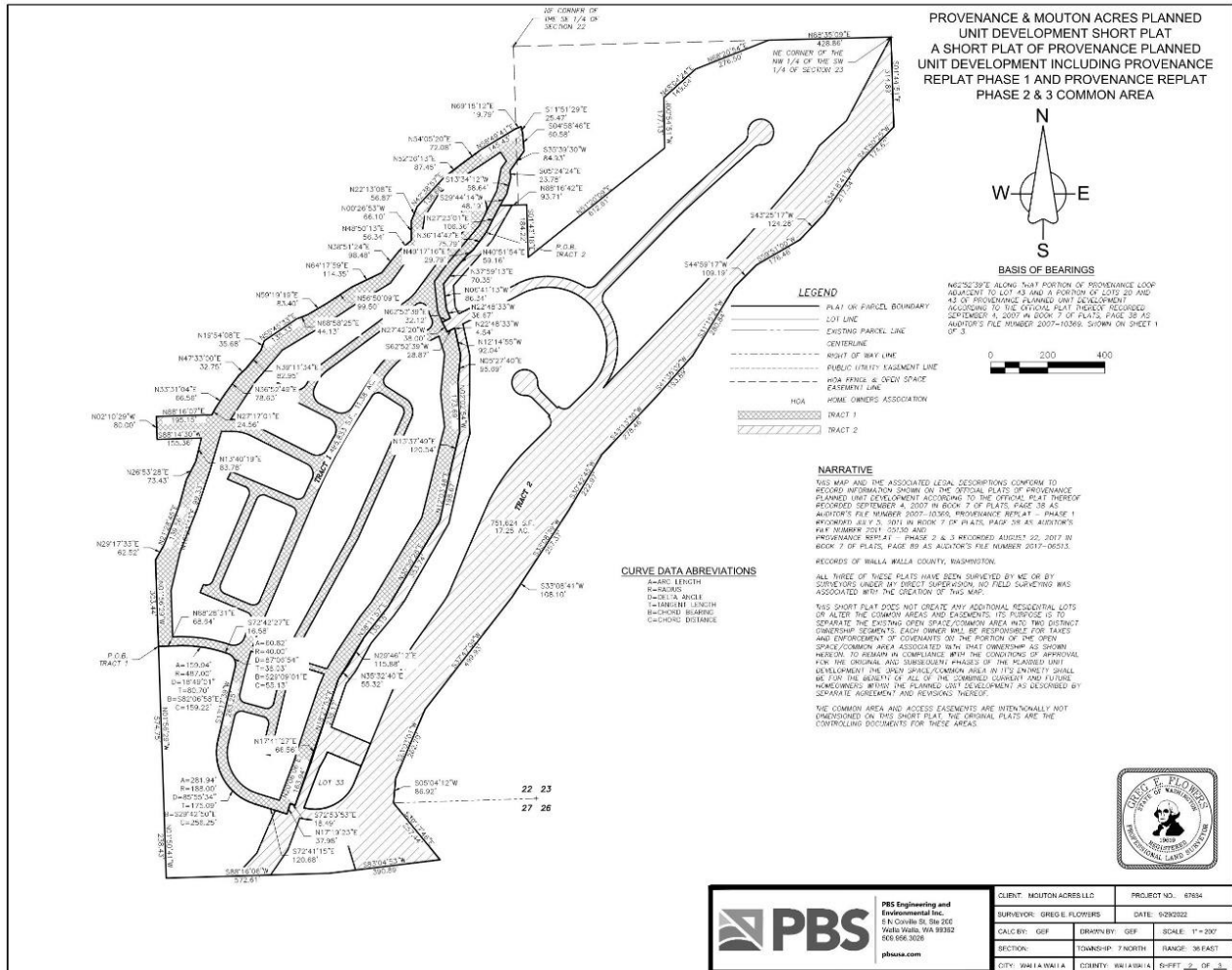
**Project Description:** The applicant is requesting a short plat of the Provenance Planned Unit Development (PUD) open space/common area tract, which would create two separate open space/common area tracts. This short plat does not create any additional residential lots or alter the common areas. To remain in compliance with the conditions of approval for the original and subsequent phases of the PUD, the open space/common area tracts will remain accessible and for the benefit of all the combined current and future homeowners within the Planned Unit Development.

**Proposed Location:** Provenance Planned Unit Development (PUD), generally located east of East Alder Street and Wallace Street, Adjacent to Provenance Loop, Chardonnay Court, Reserve Way, Champagne Way, Noble Court, Grapevine Place, and Claret Court.

**Subject Property and Adjacent Property Zoning and Land Use:**

	<b>Comprehensive Plan</b>	<b>Zoning</b>	<b>Current Land Use</b>
<b>Project Site</b>	Residential	Neighborhood Residential	Residential
<b>North</b>	Residential	Neighborhood Residential	Residential
<b>South</b>	Residential	Neighborhood Residential and Rural Residential 5 (County)	Residential and Agriculture

<b>East</b>	<b>Rural Residential (County)</b>	<b>Rural Residential 5 (County)</b>	<b>Agriculture</b>
<b>West</b>	<b>Residential and Public Reserve</b>	<b>Neighborhood Residential and Public Reserve</b>	<b>Residential and Assumption School</b>



The proposed short plat is exempt from SEPA review per Walla Walla Municipal Code (WWMC) 21.08.181.C.6.A.

### III. FINDINGS OF FACT:

1. The applicant filed a Short Plat application with the City of Walla Walla on June 2, 2022. The Provenance Planned Unit Development is an existing Planned Unit Development, with existing infrastructure and is zoned Neighborhood Residential.

The applicant has requested a short plat of the Provenance Planned Unit Development (PUD) open space/common area tract, which would create two separate open space/common area tracts. This short plat does not create any additional residential lots or alter the common areas.

2. The short plat application was deemed complete on October 11, 2022 and vested to the City of Walla Walla development regulations as of that date.
3. A Notice of Application was issued on October 13, 2022, with a comment period that ended on November 4, 2022.  
Comment letter(s) were received from the following:

▪ Michael Miller	October 20, 2022
▪ Friends of Yellowhawk Creek	November 2, 2022
▪ WW2020 Executive Committee: Robert Carson, Heidi Dobson, Sandy Shelin, Linda Herbert	November 2, 2022
▪ Frank Nicholson and Julie Harvey	November 3, 2022
▪ Judith S. Johnson	October 28, 2022
▪ Doug Newton	November 4, 2022
▪ Jerald A. Hanson	November 3, 2022
▪ Linda Herbert	December 21, 2022

Staff has reviewed the comment letters and acknowledges the comments and concerns of the residents. A majority of the public comments related to the future ownership and management of the proposed newly created open/space tract and historic uses of the lands adjacent to waterways. Staff notes that this short plat process relates merely to the subdivision of land and is not a review of the management of or decisions of private homeowners associations and civil matters between the private homeowner's association and the residents. Furthermore, this short plat process does not affect the existing critical area and the applicable critical area ordinance regulations.

4. The proposed short plat was reviewed by the City of Walla Walla for compliance with City development standards. Notice was provided on October 14, 2022, to the Site Plan Review Committee (SPRC) members, with comments due November 4, 2022. The City of Walla Walla Engineering Division provided comment on the legal description on the face of plat.
5. As no new residential lots are being proposed, additional provisions for water and sewer are not required under this application.
6. Recreational opportunities are available within the current Provenance Planned Unit Development. All residents of the Planned Unit Development will retain access to existing open space/common areas even as subdivided into two tracts, including the walking and biking paths.

#### **IV. CONCLUSIONS:**

Pursuant to Walla Walla Municipal Code Chapter 19.24, Short Plat Procedures, the following criteria are required to be met for preliminary short subdivision approval:

Technical Review. The director shall consider the application materials, the SPRC recommendations, and any comments submitted upon the proposal and determine whether the proposal conforms to policies, standards and accepted design principles for the following:

1. Consistency with the Comprehensive Plan and Municipal Code;

Staff Analysis:

The proposed short plat of the Provenance Planned Unit Development (PUD) open space/common area tract would create two separate open space/common area tracts. This short plat does not create any added residential lots or alter the common areas. The existing common area, being short platted into two tracts, were established under the approved Provenance Planned Unit Development which was consistent with the Comprehensive Plan and Municipal Code, as approved.

2. Appropriate provisions for the factors enumerated in RCW 58.17.110 within and around the proposed short plat; and

Staff Analysis:

The Provenance Planned Unit Development is an existing Planned Unit Development, with existing infrastructure and provisions addressed in RCW 58.17.110. This short plat does not create any additional residential lots or alter the common areas thus the provisions addressed in RCW 58.17.110 are not necessarily applicable to this application.

3. Adequate means of ingress and egress to the proposed lots in accordance with the provisions of this code; and

Staff Analysis:

The proposed short plat has been reviewed by the City of Walla Walla Engineering Division. The subject area has access via Alder Street and Wallace Street. Ingress and egress for all the lots and open space/common areas within the PUD will remain unchanged by the division of the open space/common area tract.

4. Appropriateness of the site, scale, and density of development; and

Staff Analysis:

This application does not create any additional residential lots or alter the access to common areas; thus, the appropriateness of the site, scale, and density of development does not apply to this application.

5. Maximization of green space within a plat and minimization of the impact of development upon views; and

Staff Analysis:



Green (Open) space is contained within the Planned Unit Development. While this proposal does divide open space/common areas into two tracts, it maintains the existing green space. The proposal will have no impact of views. No addition or modification will occur pertaining to the existing green (Open) space.

6. Energy usage requirements and maximization of energy efficiency; and

Staff Analysis:

Not applicable, as this application does not create any additional residential lots and therefore no new structures are proposed or would be constructed in these existing common areas.

7. Mitigation of probable adverse environmental impacts; and

Staff Analysis:

Not applicable to this application since no physical development, which could cause adverse environmental impact, will occur as part of this application nor in the subject open space/common area tracts.

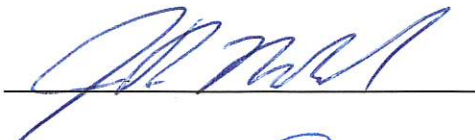
**V. STAFF DECISION**

Approval of the preliminary short plat is subject to the conditions of approval outlined below.

**VI. CONDITIONS OF APPROVAL**

1. Approval of this Preliminary Short Plat is based upon compliance with the project description as provided in the application submitted and the Conditions of Approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the City of Walla Walla for conformity with this approval. Any change from these may require approval of changes to the permit and/or environmental review. Attached to this decision is a copy of the Short Plat survey and is hereby approved, as depicted.
2. Both open space/common area tracts, created from the one open space/common area tract, are subject to the open space/common area provisions, as contained in the conditions of approval for the Provenance Planned Unit Development and shall be available for access and enjoyment of the current and future Planned Unit Development residents.

Prepared by Jon Maland, Senior Planner



Reviewed and approved by:

J Preston Frederickson, Development Services Director



## **Exhibit 1**

- a. Staff Report
- b. Application
- c. Title Report
- d. Narrative
- e. Short Plat Preliminary Plat Map (*final revision*)
- f. Determination of Completeness Dated October 11, 2022
- g. Notice of Application Dated October 13, 2022
- h. Mailing List
- i. Comment Letters:
  - i. Michael Miller October 20, 2022
  - ii. Friends of Yellowhawk Creek November 2, 2022
  - iii. WW2020 Executive Committee: Robert Carson, Heidi Dobson, Sandy Shelin, Linda Herbert November 2, 2022
  - iv. Frank Nicholson and Julie Harvey November 3, 2022
  - v. Judith S. Johnson October 28, 2022
  - vi. Doug Newton November 4, 2022
  - vii. Jerald A. Hanson November 3, 2022
  - viii. Linda Herbert December 21, 2022

## **Exhibit 2**

Hess Letter to the City of Walla Walla, Dated November 30, 2022.



Development Services Department  
[permits@wallawallawa.gov](mailto:permits@wallawallawa.gov)  
 (509) 524-4710

## SUBDIVISION APPLICATION

Application fee is due upon submittal

All legal advertising fees will be billed to the owner directly by the Union-Bulletin

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Preliminary Plat (WWMC <a href="#">19.10/19.24</a> )      | <input type="checkbox"/> Final Plat (WWMC <a href="#">19.18</a> )           | <input type="checkbox"/> PUD (WWMC <a href="#">19.26</a> ) |
| <input checked="" type="checkbox"/> Short Plat (WWMC <a href="#">19.22/19.24</a> ) | <input type="checkbox"/> MF Home Subdivision (WWMC <a href="#">20.188</a> ) |  |
| <input type="checkbox"/> Binding Site Plan (WWMC <a href="#">19.28</a> )           |   |  |

Site Address: Provenance Loop, Walla Walla, WA

Parcel(s) #: 36072265-(0033, 9901, 9903)

Applicant Name: Provenance Homeowners Association (HOA)

Phone: 509-204-3022

E-mail address: ecorliss@tarragon.com

Mailing Address: 1302 Puyallup St. Ste. A, Sumner, WA 98390

Property Owner: Provenance HOA, Mouton Acres L.L.C., John & Katie Davi

Phone: 206-233-9600

E-mail address: ecorliss@tarragon.com; ahess@investco.com

Mailing Address: 1302 Puyallup St. Ste. A, Sumner, WA 98390

Surveyor/Engineer: Greg Flowers (PBS Engineering and Environmental)

Phone: 509-394-4073

E-mail address: greg.flowers@pbsusa.com

Mailing Address: 5 North Colville Suite 200, Walla Walla, WA 99362

- Subdivision / Project Name:  
Provenance & Mouton Acres Planned Unit Development Replat
  - Legal description (may attach separately):  
See Attached
  - Amount of land to be in public ownership (right-of-way, parks, etc.):  
None
  - Proposed restrictive covenants:  
Recorded but to be revised, Walla Walla County Auditor No. 2012-02968, 2014-04524, 2018-09298
- Applicant/Owner wishes to establish a Latecomers Agreement ☐ Yes ☒ No

### REQUIRED DOCUMENTS ARE LISTED ON THE REVERSE

I, Eben Corliss, as President of HOA Board of Directors, the applicant for this subdivision, do hereby confirm that the above is correct. (Attach a separate sheet if more than one owner)

DocuSigned by:

*Eben Corliss*  
 Applicant signature

Date: 5/5/2022

I, Greg Flowers, the surveyor/engineer, have prepared this proposal and do hereby confirm that the subdivision meets all [Walla Walla Municipal Code 19.40](#) requirements and the requirements of the [RCW \(Revised Code of Washington\)](#).

DocuSigned by:

*Greg Flowers*  
 Surveyor/Engineer signature

Date: 5/5/2022

**REQUIRED DOCUMENTS:**

Please see Walla Walla Subdivision Code Table of required information in [WWMC Chapter 19.40](#) plus the following required information:

- ☐ **Residential Developments:**  
Maximum residential density to be completed, buildable area envelope for each lot *and* proposed housing type/form for each lot.
- ☒ **Preliminary Plat (Subdivision), Short Plat, Binding Site Plan or Planned Unit Development:**  
A title report with liability for errors not to exceed the assessed value of the lots on the date of application. The title report shall be issued no more than 30 days prior to the application date (*available from a Title Company*). The City may request an updated title report prior to preliminary approval at its discretion.
- ☐ **Preliminary Plat, Short Plat, or Planned Unit Development:**  
A School Access Analysis to determine the safety of walking conditions for students who walk to and from school (per [RCW 58.17.110](#)).
- ☐ **Critical Area(s):**  
SEPA checklist required if subject property contains a critical area ([WWMC 21.04](#)) and/or the proposal contains more than 4 lots/units.
- ☐ **Final Plat or Final Short Plat:**  
Submittal of a Lot Closure Report. *This Lot Closure Report may be submitted as part of the Preliminary Plat.*


Additional Owners:

I, John Davis, the applicant for this subdivision, do hereby confirm that the above is correct.

DocuSigned by:  
  
06BA138828C8483...  
Applicant signature

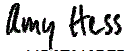
Date: 5/5/2022

I, Katie Davis, the applicant for this subdivision, do hereby confirm that the above is correct.

DocuSigned by:  
  
6B55C15D2CA7AD1...  
Applicant signature

Date: 5/5/2022

I, Amy Phillips Hess as Authorized Agent of Mouton Acres L.L.C., the applicant for this subdivision, do hereby confirm that the above is correct.

DocuSigned by:  
  
11D2F612DF8D45E...  
Applicant signature

Date: 5/5/2022

**Certificate Of Completion**

Envelope Id: FAC2F305D7CF42BE96C3D22660861871

Status: Completed

Subject: Please DocuSign: Provenance Mouton Replat App.pdf

Source Envelope:

Document Pages: 3

Signatures: 5

Certificate Pages: 5

Initials: 0

AutoNav: Enabled

Envelope Stamping: Enabled

Time Zone: (UTC-08:00) Pacific Time (US &amp; Canada)

Envelope Originator:

TNW Contracts

1302 Puyallup St Ste A

Sumner, WA 98390

TNWContracts@investco.com

IP Address: 72.10.17.34

**Record Tracking**

Status: Original

5/5/2022 1:35:28 PM

Holder: TNW Contracts

TNWContracts@investco.com

Location: DocuSign

**Signer Events**

Amy Hess

ahess@investco.com

Corporate Counsel

Investco L.L.C.

Security Level: Email, Account Authentication  
(None)**Signature**

DocuSigned by:

  
11D2F612DFBD45E...

Signature Adoption: Pre-selected Style

Signed by link sent to ahess@investco.com

Using IP Address: 72.10.17.34

**Timestamp**

Sent: 5/5/2022 1:37:55 PM

Viewed: 5/5/2022 1:47:16 PM

Signed: 5/5/2022 1:47:29 PM

**Electronic Record and Signature Disclosure:**

Not Offered via DocuSign

Eben Corliss

ecorliss@tarragon.com

Board Member

Security Level: Email, Account Authentication  
(None)

DocuSigned by:

  
FC1AC761C4024EB...

Signature Adoption: Pre-selected Style

Signed by link sent to ecorliss@tarragon.com

Using IP Address: 72.10.17.34

Sent: 5/5/2022 1:37:55 PM

Viewed: 5/5/2022 1:54:04 PM

Signed: 5/5/2022 1:54:55 PM

**Electronic Record and Signature Disclosure:**

Accepted: 5/5/2022 1:54:04 PM

ID: 15598c03-2751-4a0f-94f8-50ae7c72a5c3

Greg Flowers

greg.flowers@pbsusa.com

Security Level: Email, Account Authentication  
(None)

DocuSigned by:

  
B015608A1B4E4B0...

Signature Adoption: Pre-selected Style

Signed by link sent to greg.flowers@pbsusa.com

Using IP Address: 72.10.17.186

Sent: 5/5/2022 1:37:56 PM

Viewed: 5/5/2022 1:39:55 PM

Signed: 5/5/2022 1:40:11 PM

**Electronic Record and Signature Disclosure:**

Accepted: 3/31/2022 12:51:34 PM

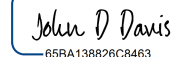
ID: cc7f0f36-3a54-4742-9cdf-e55cc915db88

John D Davis

ddavis@tarragon.com

Security Level: Email, Account Authentication  
(None)

DocuSigned by:

  
65BA138826C8463...

Signature Adoption: Pre-selected Style

Signed by link sent to ddavis@tarragon.com

Using IP Address: 47.33.128.9

Sent: 5/5/2022 1:37:56 PM

Viewed: 5/5/2022 1:45:58 PM

Signed: 5/5/2022 1:46:10 PM

Signer Events	Signature	Timestamp
<b>Electronic Record and Signature Disclosure:</b> Accepted: 5/5/2022 1:45:58 PM ID: 84eee057-91a0-4993-a837-f39866db59b5		
Katie Davis kdavis@corliss.wine General Manager Washington Vintners Security Level: Email, Account Authentication (None)	<div><div>DocuSigned by: <i>Katie Davis</i> 6B55C1FD2CA74D1...</div><div>Signature Adoption: Pre-selected Style Signed by link sent to kdavis@corliss.wine Using IP Address: 47.33.128.9</div></div>	Sent: 5/5/2022 1:37:56 PM Viewed: 5/5/2022 1:40:31 PM Signed: 5/5/2022 1:40:40 PM
<b>Electronic Record and Signature Disclosure:</b> Not Offered via DocuSign		
In Person Signer Events	Signature	Timestamp
Editor Delivery Events	Status	Timestamp
Agent Delivery Events	Status	Timestamp
Intermediary Delivery Events	Status	Timestamp
Certified Delivery Events	Status	Timestamp
Carbon Copy Events	Status	Timestamp
Witness Events	Signature	Timestamp
Notary Events	Signature	Timestamp
Envelope Summary Events	Status	Timestamps
Envelope Sent	Hashed/Encrypted	5/5/2022 1:37:56 PM
Certified Delivered	Security Checked	5/5/2022 1:40:31 PM
Signing Complete	Security Checked	5/5/2022 1:40:40 PM
Completed	Security Checked	5/5/2022 1:54:55 PM
Payment Events	Status	Timestamps
Electronic Record and Signature Disclosure		

## **ELECTRONIC RECORD AND SIGNATURE DISCLOSURE**

From time to time, Investco, LLC (we, us or Company) may be required by law to provide to you certain written notices or disclosures. Described below are the terms and conditions for providing to you such notices and disclosures electronically through the DocuSign system. Please read the information below carefully and thoroughly, and if you can access this information electronically to your satisfaction and agree to this Electronic Record and Signature Disclosure (ERSD), please confirm your agreement by selecting the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

### **Getting paper copies**

At any time, you may request from us a paper copy of any record provided or made available electronically to you by us. You will have the ability to download and print documents we send to you through the DocuSign system during and immediately after the signing session and, if you elect to create a DocuSign account, you may access the documents for a limited period of time (usually 30 days) after such documents are first sent to you. After such time, if you wish for us to send you paper copies of any such documents from our office to you, you will be charged a \$0.00 per-page fee. You may request delivery of such paper copies from us by following the procedure described below.

### **Withdrawing your consent**

If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

### **Consequences of changing your mind**

If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. Further, you will no longer be able to use the DocuSign system to receive required notices and consents electronically from us or to sign electronically documents from us.

### **All notices and disclosures will be sent to you electronically**



Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through the DocuSign system all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

#### **How to contact Investco, LLC:**

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

To contact us by email send messages to: [it@investco.com](mailto:it@investco.com)

#### **To advise Investco, LLC of your new email address**

To let us know of a change in your email address where we should send notices and disclosures electronically to you, you must send an email message to us at [it@investco.com](mailto:it@investco.com) and in the body of such request you must state: your previous email address, your new email address. We do not require any other information from you to change your email address.

If you created a DocuSign account, you may update it with your new email address through your account preferences.

#### **To request paper copies from Investco, LLC**

To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an email to [it@investco.com](mailto:it@investco.com) and in the body of such request you must state your email address, full name, mailing address, and telephone number. We will bill you for any fees at that time, if any.

#### **To withdraw your consent with Investco, LLC**

To inform us that you no longer wish to receive future notices and disclosures in electronic format you may:

- i. decline to sign a document from within your signing session, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;
- ii. send us an email to [it@investco.com](mailto:it@investco.com) and in the body of such request you must state your email, full name, mailing address, and telephone number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

### **Required hardware and software**

The minimum system requirements for using the DocuSign system may change over time. The current system requirements are found here: <https://support.docusign.com/guides/signer-guide-signing-system-requirements>.

### **Acknowledging your access and consent to receive and sign documents electronically**

To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please confirm that you have read this ERSD, and (i) that you are able to print on paper or electronically save this ERSD for your future reference and access; or (ii) that you are able to email this ERSD to an email address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format as described herein, then select the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

By selecting the check-box next to 'I agree to use electronic records and signatures', you confirm that:

- You can access and read this Electronic Record and Signature Disclosure; and
- You can print on paper this Electronic Record and Signature Disclosure, or save or send this Electronic Record and Disclosure to a location where you can print it, for future reference and access; and
- Until or unless you notify Investco, LLC as described above, you consent to receive exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you by Investco, LLC during the course of your relationship with Investco, LLC.

**Land Title of Walla Walla County, inc.**

**UNDERWRITTEN BY:  
Stewart Title Guaranty**

**TRACT BOOK REPORT**


**SCHEDULE A**

Escrow Officer:

1. Report Date: **March 16, 2022, 8:00 am**  
Issue Date: **March 17, 2022, 8:00 am**
  
3. **Fee Simple** interest in the land described in this Report is owned, at the Report Date, by  
**Parcel A**  
**Provenance I LLC, a Washington limited liability company**  
  
**Parcel B**  
**Provenance Homeowners Association, a Washington non-profit corporation**
  
4. The land referred to in the Report is described as follows:  
  
**Parcel A**  
**The West Fork Yellowhawk Creek (Open Space) and the East Fork Yellowhawk Creek (Open Space) as shown on the Provenance Planned Unit Development Plat recorded September 4, 2007 in Book 7 of Plats at Page 38 as Auditor's File No. 2007-10369, records of Walla Walla County, State of Washington.**  
  
**Parcel 36-07-22-65-9903**  
  
**Parcel B**  
**Provenance Planned Unit Development "Private Roads" as shown on the Provenance Planned Unit Development Plat recorded September 4, 2007 in Book 7 of Plats at Page 38 as Auditor's File No. 2007-10369, records of Walla Walla County, State of Washington.**  
  
**Parcel 36-07-22-65-9901**  
  
**Parcel C**  
**Provenance Planned Unit Development open space areas known as "Hillside Greenbelt" as shown on the Provenance Planned Unit Development Plat recorded September 4, 2007 in Book 7 of Plats at page 38 as Auditor's File No. 2007-10369, records of Walla Walla County, State of Washington.**

**UNDERWRITTEN BY:**  
**Stewart Title Guaranty**

**LAND TITLE OF WALLA WALLA COUNTY, INC**

By  \_\_\_\_\_  
**Philip C. R. Wasser**  
**Authorized Signatory**

File No: **50726**

**Land Title of Walla Walla County, inc.**

**UNDERWRITTEN BY:**  
**Stewart Title Guaranty**

**TRACT BOOK REPORT**

**SCHEDULE B - SECTION II**  
**EXCEPTIONS**

Effective Date: **March 16, 2022, 8:00am**

1. **2022 General Taxes in the amount of \$0.00 are paid in full. Parcel number 36-07-22-65-9901; Levy Code 1; Assessed land value \$0.00, Assessed building value \$0.00.**
2. **2022 General Taxes in the amount of \$0.00 are paid in full. Parcel number 36-07-22-65-9902; Levy Code 1; Assessed land value \$0.00, Assessed building value \$0.00.**
3. **2022 General Taxes in the amount of \$0.00 are paid in full. Parcel number 36-07-22-65-9903; Levy Code 1; Assessed land value \$0.00, Assessed building value \$0.00.**
4. **PAST, PRESENT AND FUTURE ASSESSMENTS OF THE PROVENANCE HOMEOWNERS ASSOCIATION OR ARCHITECTURAL REVIEW COMMITTEE**
5. **EASEMENT AND THE TERMS AND CONDITIONS THEROF:**

<b>GRANTOR:</b>	<b>Provenance LLC</b>
<b>GRANTEE:</b>	<b>Blue Mountain Vineyard LLC</b>
<b>PURPOSE:</b>	<b>Ingress and egress</b>
<b>AREA AFFECTED:</b>	<b>Property herein described</b>

**RECORDED:** March 7, 2008  
**RECORDING NO.:** Auditor's File No. 2008-02139,  
records of Walla Walla County, Washington  
**BOOK/PAGE:** NONE

**6. EASEMENT AND THE TERMS AND CONDITIONS THEROF:**

**GRANTOR:** Graeagle LLC  
**GRANTEE:** Blue Mountain Vineyards LLC  
**PURPOSE:** Irrigation Line Easement  
**AREA AFFECTED:** Property herein described  
**RECORDED:** September 26, 2006  
**RECORDING NO.:** Auditor's File No. 2006-11591,  
records of Walla Walla County, Washington  
**BOOK/PAGE:** NONE

**7. EASEMENT AND THE TERMS AND CONDITIONS THEREOF:**

**GRANTOR:** LILLIAN E. BERNEY, ALICE H. BERNEY, WILLIAM E BERNEY,  
WALTER C. BERNEY and ARTHUR G. BERNEY  
**GRANTEE:** PACIFIC POWER & LIGHT COMPANY, a corporation, its  
successors and assigns  
**PURPOSE:** Electric Transmission Equipment  
**AREA AFFECTED:** Property Herein Described  
**RECORDED:** April 12, 1961  
**RECORDING NO.:** Book 297 of Deeds at Page 498 as Auditor's File No. 428924, Official  
Records of Walla Walla County, State of Washington.

**8. WATER USE AND DELIVERY AGREEMENT AND THE TERMS AND CONDITIONS  
THEREOF**

**BY AND BETWEEN:** BLUE MOUNTAIN WINE CORPORATION and FORTRESS  
HOME DEVELOPMENT, LLC.

**DATED:** May 4, 2001  
**RECORDED:** May 8, 2001  
**RECORDING NO.:** Volume 312 at Page 2040 as Auditor's File No. 0104673, Official  
Records of Walla Walla County, State of Washington  
**RE-RECORDED:** July 30, 2001  
**RE-RECORDING NO.:** Volume 317 at Page 0923 as Auditor's File No. 0108126,  
Official Records of Walla Walla County, State of Washington

**9. EASEMENT AND THE TERMS AND CONDITIONS THEREOF**

**GRANTOR:** MIKE NEUFFER  
**GRANTEE:** PACIFICORP, an Oregon corporation, its successors and assigns  
**PURPOSE:** Electric transmission equipment and access thereto  
**AREA AFFECTED:** Property herein described  
**RECORDED:** November 26, 2001  
**RECORDING NO.:** Volume 323 at Page 1635 as Auditor's File No. 0112784, Official  
Records of Walla Walla County, State of Washington

**10. EASEMENT AND THE TERMS AND CONDITIONS THEREOF:**

**GRANTOR:** BLUE MOUNTAIN WINE CORPORATION  
**GRANTEE:** PACIFICORP, an Oregon corporation  
**PURPOSE:** Electric Transmission Equipment  
**AREA AFFECTED:** 10 foot strip within property herein described  
**RECORDED:** April 9, 2002  
**RECORDING NO.:** Auditor's File No. 2002-04332, Official Records of Walla Walla

County, State of Washington.

**11. EASEMENT AND THE TERMS AND CONDITIONS THEREOF:**

**GRANTOR:** BLUE MOUNTAIN WINE CORPORATION  
**GRANTEE:** PACIFICORP, an Oregon corporation  
**PURPOSE:** Electric Transmission Equipment  
**AREA AFFECTED:** 10 foot strip within property herein described  
**RECORDED:** June 07, 2002  
**RECORDING NO.:** Auditor's File No. 2002-06646, Official Records of Walla Walla

County, State of Washington.

**12. EASEMENT AND THE TERMS AND CONDITIONS THEREOF:**

**GRANTOR:** BLUE MOUNTAIN WINE CORPORATION  
**GRANTEE:** PACIFICORP, an Oregon corporation  
**PURPOSE:** Electric Transmission Equipment  
**AREA AFFECTED:** 10 foot strip within property herein described  
**RECORDED:** June 07, 2002  
**RECORDING NO.:** Auditor's File No. 2002-06647, Official Records of Walla Walla

County, State of Washington.

**13. EASEMENT AND THE TERMS AND CONDITIONS THEREOF:**

**GRANTOR:** BLUE MOUNTAIN WINE CORPORATION  
**GRANTEE:** PACIFICORP, an Oregon corporation  
**PURPOSE:** Electric Transmission Equipment  
**AREA AFFECTED:** 10 foot strip within property herein described  
**RECORDED:** June 07, 2002  
**RECORDING NO.:** Auditor's File No. 2002-06649, Official Records of Walla Walla

County, State of Washington.

**14. RESERVATIONS OF WATER RIGHTS AND SURFACE WATER RIGHTS AS DISCLOSED BY STATUTORY WARRANTY DEED:**

**GRANTOR:** MIKE NEUFFER, a Single man  
**GRANTEE:** GRAEAGLE, LLC, a Washington Limited Liability Company  
**DATED:** December 2, 2005  
**RECORDED:** December 2, 2005  
**RECORDING NO.:** Under Auditors' File No. 2005-15147

**15. DECLARATION, COVENANTS, CONDITIONS AND RESTRICTIONS OF**

**PROVENANCE :**

**AUDITOR'S FILE NO.: 2007-12550**

**AMENDMENT AND/OR MODIFICATION OF SAID RESTRICTIONS, AS HERETO ATTACHED:**

**DATED: March 4, 2008**

**RECORDED: March 4, 2008**

**RECORDING NO.: Auditor's File No. 2008-02025, records of Walla Walla County, Washington.**

**BOOK/PAGE:**

**AMENDMENT AND/OR MODIFICATION OF SAID RESTRICTIONS, AS HERETO ATTACHED:**

**RECORDED: April 12, 2012**

**RECORDING NO.: Auditor's File No. 2012-02968, records of Walla Walla County, Washington.**

**BOOK/PAGE:**

**AMENDMENT AND/OR MODIFICATION OF SAID RESTRICTIONS, AS HERETO ATTACHED:**

**RECORDED: November 8, 2018**

**RECORDING NO.: 2018-09298**

**BOOK/PAGE:**

**ASSIGNMENT OF DECLARANT RIGHTS AND WITHDRAWL OF PROPERTY RECORDED UNDER AUDITOR'S FILE NO. 2014-04524**

**16. EASEMENT AND THE TERMS AND CONDITIONS THEROF:**

**GRANTOR: Provenance 1 LLC**

**GRANTEE: Columbia Rural Electric Association**

**PURPOSE: Electrical Service**

**AREA AFFECTED: Property herein described and other property**

**RECORDED: July 13, 2011**

**RECORDING NO.: Auditor's File No. 2011-05379, records of Walla Walla County, Washington**

**BOOK/PAGE:**

**17. AGREEMENT AND THE TERMS AND CONDITIONS THEROF:**

**GRANTOR: Provenance 1 LLC**

**GRANTEE: Columbia Rural Electric Association**

**PURPOSE: Electrical Service**

**AREA AFFECTED: Property herein described and other property**

**RECORDED: Electric Service Agreement**

**RECORDING NO.: Auditor's File No. 2011-05380, records of Walla Walla County, Washington**

**BOOK/PAGE:**

**18. AGREEMENT AND THE TERMS AND CONDITIONS THEROF:**

**GRANTOR:** Provenance III LLC  
**GRANTEE:** Columbia Rural Electric Association  
**PURPOSE:** Electrical Service  
**AREA AFFECTED:** Property herein described and other property  
**RECORDED:** Electric Service Agreement  
**RECORDING NO.:** Auditor's File No. 2017-03320, records of Walla Walla County,

Washington

**BOOK/PAGE:**

**19. EASEMENT AS DELINEATED ON THE FACE OF THE PLAT:**

**PURPOSE:** 10' PUE  
**AREA AFFECTED:** Property herein described  
**RECORDED:** July 7, 2011  
**RECORDING NO.:** Volume 7 of Plats at Page 58, records of Walla Walla County,

Washington.

**20. EASEMENT AS DELINEATED ON THE FACE OF THE PLAT:**

**PURPOSE:** 10' PUE  
**AREA AFFECTED:** Property herein described  
**RECORDED:** September 04, 2007  
**RECORDING NO.:** Volume 7 of Plats at Page 39, records of Walla Walla County,

Washington.

**21. EASEMENT AS DELINEATED ON THE FACE OF THE PLAT:**

**PURPOSE:** 10' PUE  
**AREA AFFECTED:** Property herein described  
**RECORDED:** August 22, 2017  
**RECORDING NO.:** Volume 7 of Plats at Page 89, records of Walla Walla County,

Washington.

**22. CRITICAL AREA NOTE AS DELINEATED ON THE FACE OF THE PLAT:**

**PURPOSE:** Regarding activities within the 50' Streamside Buffer  
**AREA AFFECTED:** Property herein described  
**RECORDED:** August 22, 2017  
**RECORDING NO.:** Volume 7 of Plats at Page 89, records of Walla Walla County,

Washington.

**23. NOTE AS DELINEATED ON THE FACE OF THE PLAT:**

**PURPOSE:** The Entirety of Champagne Way, Chardonnay Court, Claret Court are encumbered with a City Waterline and Sewer Easement

**AREA AFFECTED:** Property herein described

**RECORDED:** August 22, 2017

**RECORDING NO.:** Volume 7 of Plats at Page 89, records of Walla Walla County,

Washington.



**24. NOTE AS DELINEATED ON THE FACE OF THE PLAT:**

**PURPOSE:** City of Walla Walla Easement Grant  
**AREA AFFECTED:** Property herein described  
**RECORDED:** August 22, 2017  
**RECORDING NO.:** Volume 7 of Plats at Page 89, records of Walla Walla County,

Washington.

**25. CRITICAL AREAS NOTE AS DELINEATED ON THE FACE OF THE PLAT:**

**PURPOSE:** Restriction of activities within the Critical Areas delineated on the face of the plat

**AREA AFFECTED:** Property herein described  
**RECORDED:** August 22, 2017  
**RECORDING NO.:** Volume 7 of Plats at Page 89, records of Walla Walla County,

Washington.

**26. DEDICATION ON THE FACE OF THE PLAT:**

**PURPOSE:** Dedication on the face of the regarding public and private easements and rights of way

**AREA AFFECTED:** Property herein described  
**RECORDED:** August 22, 2017  
**RECORDING NO.:** Volume 7 of Plats at Page 89, records of Walla Walla County,

Washington.

**27. The effect of any statement made on the face of the plat recorded September 4, 2007 under Auditor's File No. 2007-10369.**

**28. (a) All right, title or claim or any character by the United States, state, local government or by the public generally in and to any portion of the land lying within the current or former bed, or below the ordinary high water mark, or between the cut banks of a stream navigable in fact or in law.**

**(b) Right of riparian water rights owners to the use and flow of the water.**

**(c) The consequence of any past or future change in the location of the bed.**

**29. The company's liability for this report is limited to the compensation received. This report is based on the Company's property records, and no liability is assumed for items misindexed or not indexed in the public records, or for matters which would be disclosed by an inquiry of parties in possession or by an accurate survey or inspection of the premises. This report and the legal description given herein are based upon information supplied by the applicant as to the location and identification of the premises in question, and no liability is assumed for any discrepancies resulting therefrom. This report does not represent either a commitment to insure title, an examination of title, or opinion as to the sufficiency or effect of the matters shown, or an opinion as the marketability of title to the subject premises.**

## **Exhibit 1:**

### **Narrative of the proposed action provided by the applicant:**

Provenance III L.L.C., the Declarant, and Provenance Homeowners Association ("HOA") Board, collectively referred to as ("Applicant") are applying to the City to divide up 2 parcels of common area currently owned by the HOA: (1) Provenance Loop, APN 360722659903 and (2) Yellowhawk Creek, APN 360722659901.

Upon dividing up of the 2 common areas parcels, it is the intention of the Applicant that the HOA will retain the portion of Provenance Loop that is necessary for access for the residents of the HOA; Mouton Acres will receive the portion of Provenance Loop that is necessary for access for the Mouton Acres property and that fronts the Mouton Acres property. Similarly, the HOA will retain the portion of Yellowhawk Creek that fronts HOA lots; Mouton Acres will receive the portion of Yellowhawk Creek that fronts the Mouton Acres property.

It is the intention of the Applicant, that two easements will be recorded at the time the short plat is recorded to address access, maintenance obligations and cost sharing. The HOA will retain pedestrian and bike access to the Mouton portion of Provenance Loop; Mouton will be responsible for 100% of the maintenance and repair costs. Mouton will retain access rights to the HOA portion of Provenance Loop and will share in the maintenance and repair costs with the HOA. Each party will be responsible for maintenance and repair costs for their portion of Yellowhawk Creek. The HOA Board has requested that the ownership of the green belt, APN 360722659902, be transferred from the HOA to Mouton Acres at the time the short plat is recorded and Mouton Acres is willing to accept ownership of the green belt.

PROVENANCE & MOUTON ACRES PLANNED UNIT DEVELOPMENT SHORT PLAT  
A SHORT PLAT OF PROVENANCE PLANNED UNIT DEVELOPMENT INCLUDING  
PROVENANCE REPLAT PHASE 1 AND  
PROVENANCE REPLAT PHASE 2 & 3  
COMMON AREA

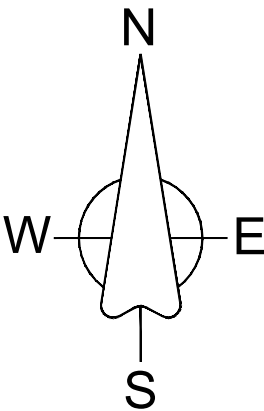
RECORDING INFORMATION:  
PROVENANCE PLANNED UNIT DEVELOPMENT  
RECORDED SEPTEMBER 4, 2007 IN BOOK 7 OF PLATS,  
PAGE 38 AS AUDITOR'S FILE NUMBER 2007-10369.

PROVENANCE REPLAT - PHASE 1 RECORDED JULY 5,  
2011 IN BOOK 7 OF PLATS, PAGE 58 AS AUDITOR'S FILE  
NUMBER 2011-05130.

PROVENANCE REPLAT - PHASE 2 & 3 RECORDED  
AUGUST 22, 2017 IN BOOK 7 OF PLATS, PAGE 89 AS  
AUDITOR'S FILE NUMBER 2017-06513.

RECORDS OF WALLA WALLA COUNTY, WASHINGTON

LOCATED IN THE NE AND SE 1/4'S OF THE SE 1/4 OF  
SECTION 22, THE NW AND SW 1/4'S THE SW 1/4 OF  
SECTION 23, AND THE NE 1/4 OF THE NE 1/4 OF  
SECTION 27, TOWNSHIP 7 NORTH, RANGE 36 EAST OF  
THE WILLAMETTE MERIDIAN, WALLA WALLA COUNTY,  
WASHINGTON.



BASIS OF BEARINGS

N62°52'39"E ALONG THAT PORTION OF PROVENANCE LOOP  
ADJACENT TO LOT 43 AND A PORTION OF LOTS 20 AND  
43 OF PROVENANCE PLANNED UNIT DEVELOPMENT  
ACCORDING TO THE OFFICIAL PLAT THEREOF RECORDED  
SEPTEMBER 4, 2007 IN BOOK 7 OF PLATS, PAGE 38 AS  
AUDITOR'S FILE NUMBER 2007-10369.



SURVEYOR'S CERTIFICATE

THIS MAP WAS MADE BY ME OR UNDER MY DIRECTION IN  
CONFORMANCE WITH THE SURVEY RECORDING ACT AND  
AT THE REQUEST OF MOUTON ACRES LLC.

GREG E. FLOWERS, PLS 19619



AUDITOR'S CERTIFICATE

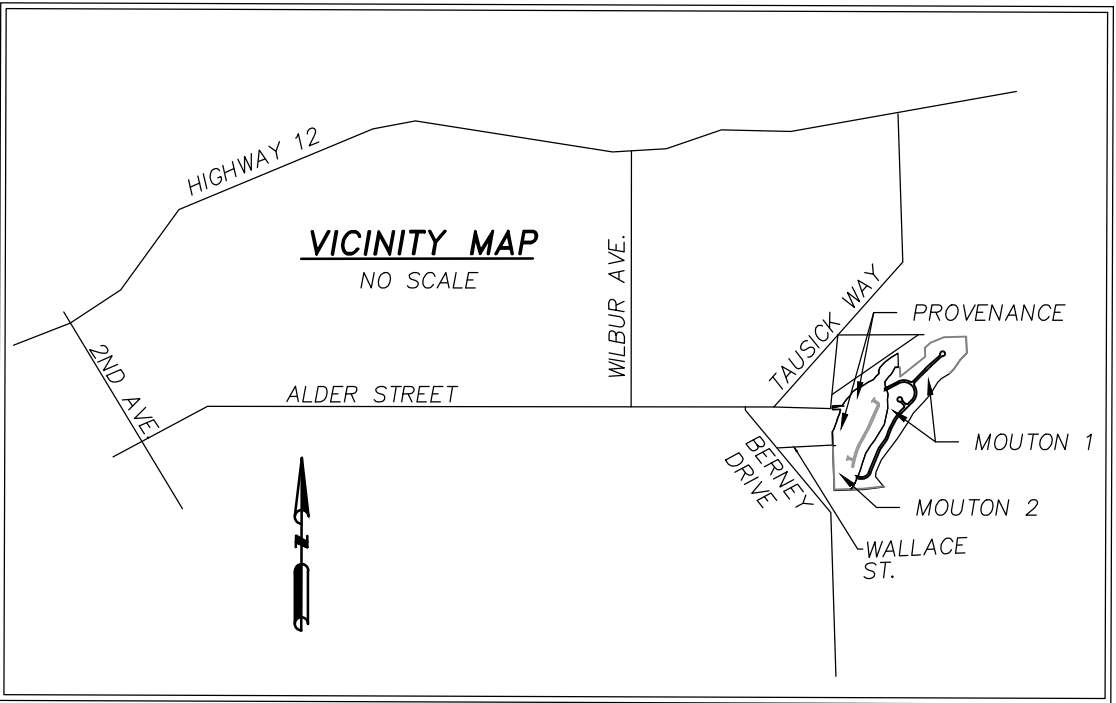
FILED FOR RECORD THIS \_\_\_\_\_ DAY OF \_\_\_\_\_,  
2020 AT THE REQUEST OF GREG E. FLOWERS, LAND SURVEYOR,  
IN VOLUME \_\_\_\_ OF SHORT PLATS AT PAGE \_\_\_\_.

COUNTY AUDITOR

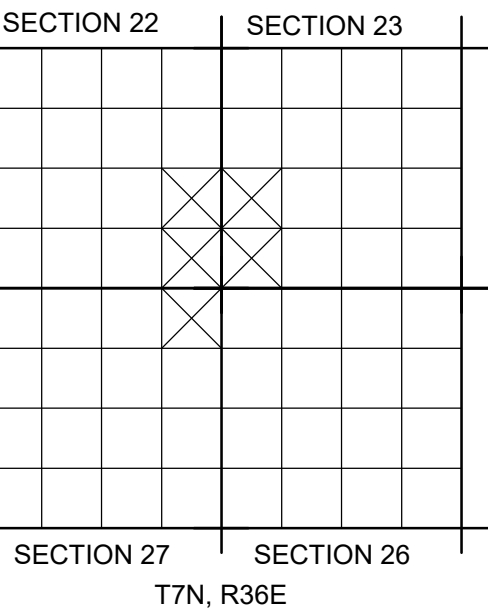
LEGEND

- PLAT OR PARCEL BOUNDARY
- LOT LINE
- EXISTING PARCEL LINE
- CENTERLINE
- RIGHT OF WAY LINE
- PUBLIC UTILITY EASEMENT LINE
- HOA FENCE & OPEN SPACE EASEMENT LINE
- HOA HOME OWNERS ASSOCIATION
- TRACT 1
- TRACT 2

STORM DRAIN EASEMENT  
AS SHOWN ON SURVEY  
RECORDED UNDER  
AUDITOR'S FILE NO.  
2007-10369.



SECTION DIAGRAM



NOTES

- SEE SHEET 2 OF 3 FOR SURVEY NARRATIVE AND  
TRACT BOUNDARIES.
- SEE SHEET 3 OF 3 FOR DESCRIPTIONS OF THE  
OWNERSHIPS, DECLARATION AND APPROVALS.

VINEYARD PUMP HOUSE  
EASEMENT AREA PER  
EASEMENT AND AGREEMENT  
RECORDED AS AUDITOR'S  
FILE NO. 2008-02139.

10' LANDSCAPE  
BUFFER

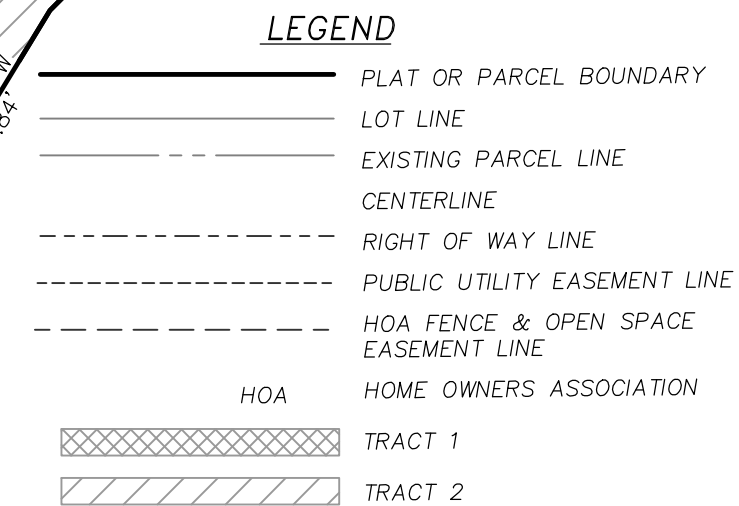
IRRIGATION LINE EASEMENT PER  
DOCUMENT RECORDED AS  
AUDITOR'S FILE NO. 2006-11591.



PBS Engineering and  
Environmental Inc.  
5 N Colville St, Ste 200  
Walla Walla, WA 99362  
509.956.3026  
pbsusa.com

CLIENT: MOUTON ACRES LLC		PROJECT NO.: 67634	
SURVEYOR: GREG E. FLOWERS		DATE: 9/29/2022	
CALC BY: GEF	DRAWN BY: GEF	SCALE: 1" = 200'	
SECTION:	TOWNSHIP: 7 NORTH	RANGE: 36 EAST	
CITY: WALLA WALLA	COUNTY: WALLA WALLA	SHEET 1 OF 3	

N62°52'39"E ALONG THAT PORTION OF PROVENANCE LOOP  
ADJACENT TO LOT 43 AND A PORTION OF LOTS 20 AND  
43 OF PROVENANCE PLANNED UNIT DEVELOPMENT  
ACCORDING TO THE OFFICIAL PLAT THEREOF RECORDED  
SEPTEMBER 4, 2007 IN BOOK 7 OF PLATS, PAGE 38 AS  
AUDITOR'S FILE NUMBER 2007-10369. SHOWN ON SHEET 1  
OF 3.

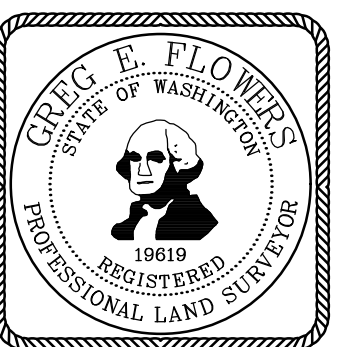
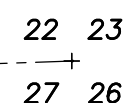


THIS MAP AND THE ASSOCIATED LEGAL DESCRIPTIONS CONFORM TO RECORD INFORMATION SHOWN ON THE OFFICIAL PLATS OF PROVENANCE PLANNED UNIT DEVELOPMENT ACCORDING TO THE OFFICIAL PLAT THEREOF RECORDED SEPTEMBER 4, 2007 IN BOOK 7 OF PLATS, PAGE 58 AS AUDITOR'S FILE NUMBER 2007-10369, PROVENANCE REPLAT - PHASE 1 RECORDED JULY 5, 2011 IN BOOK 7 OF PLATS, PAGE 58 AS AUDITOR'S FILE NUMBER 2011-05130 AND PROVENANCE REPLAT - PHASE 2 & 3 RECORDED AUGUST 22, 2017 IN BOOK 7 OF PLATS, PAGE 89 AS AUDITOR'S FILE NUMBER 2017-06513.

ALL THREE OF THESE PLATS HAVE BEEN SURVEYED BY ME OR BY SURVEYORS UNDER MY DIRECT SUPERVISION, NO FIELD SURVEYING WAS ASSOCIATED WITH THE CREATION OF THIS MAP.

THE COMMON AREA AND ACCESS EASEMENTS ARE INTENTIONALLY NOT  
DIMENSIONED ON THIS SHORT PLAT, THE ORIGINAL PLATS ARE THE  
CONTROLLING DOCUMENTS FOR THESE AREAS.

A=ARC LENGTH  
R=RADIUS  
D=DELTA ANGLE  
T=TANGENT LENGTH  
B=CHORD BEARING  
C=CHORD DISTANCE



**pbsusa.com**

CLIENT: MOUTON ACRES LLC		PROJECT NO.: 67634	
SURVEYOR: GREG E. FLOWERS		DATE: 9/29/2022	
CALC BY: GEF	DRAWN BY: GEF	SCALE: 1" = 200'	
SECTION:	TOWNSHIP: 7 NORTH	RANGE: 36 EAST	
CITY: WALLA WALLA	COUNTY: WALLA WALLA	SHEET <u>2</u> OF <u>3</u>	

OWNERSHIP DESCRIPTIONS:

PROVENANCE HOMEOWNERS ASSOCIATION –

PROVENANCE REPLAT – PHASE 1 FINAL PLAT, RECORDED JULY 5, 2011 IN BOOK 7 OF PLATS, PAGE 58 AS AUDITOR’S FILE NUMBER 2011–05130.

PROVENANCE REPLAT – PHASE 2 & 3 RECORDED AUGUST 22, 2017 IN BOOK 7 OF PLATS, PAGE 89 AS AUDITOR’S FILE NUMBER 2017–06513.

ALSO, TOGETHER WITH OPEN SPACE AS FOLLOWS: THAT PORTION OF THE OPEN SPACE SHOWN THEREON LYING WESTERLY OF THE CENTER OF THE EAST FORK OF YELLOWHAWK CREEK AND EASTERLY OF THE EASTERLY LINE OF LOT 1, AND LOTS 3 THROUGH 22 AS SHOWN ON THE OFFICIAL PLAT OF PROVENANCE REPLAT – PHASE 1 FINAL PLAT RECORDED JULY 5, 2011 IN BOOK 7 OF PLATS, PAGE 58 AS AUDITOR’S FILE NUMBER 2011–05130. ALSO, THAT PORTION OF THE OPEN SPACE LYING WESTERLY OF THE CENTER OF THE EAST FORK OF YELLOWHAWK CREEK AND SOUTHERLY OF THE WESTERLY PROLONGATION OF LOT 50 OF PROVENANCE PLANNED UNIT DEVELOPMENT ACCORDING TO THE OFFICIAL PLAT THEREOF RECORDED SEPTEMBER 4, 2007 IN BOOK 7 OF PLATS, PAGE 38 AS AUDITOR’S FILE NUMBER 2007–10369. ALSO THE REMAINDER OF THE OPEN SPACE ALONG THE EAST FORK OF YELLOWHAWK CREEK LYING NORTHERLY OF THE WESTERLY PROLONGATION OF SAID LOT 50 AND ALL OF THE OPEN SPACE ALONG THE WEST FORK OF YELLOWHAWK CREEK ADJACENT TO THE WESTERLY LINE OF LOTS 44 THROUGH 55 AND LOTS 70 THROUGH 71 AND LOTS 73 THROUGH 78 OF PROVENANCE REPLAT – PHASE 2 & 3 FINAL PLAT ACCORDING TO THE OFFICIAL PLAT THEREOF RECORDED AUGUST 22, 2017 IN BOOK 7 OF PLATS, PAGE 89 AS AUDITOR’S FILE NUMBER 2017–06513.

SUBJECT TO ACCESS FOR THE USE AND ENJOYMENT OF THE WALKING PATH ALONG THE WEST FORK OF YELLOWHAWK CREEK AND THAT PORTION OF THE EAST FORK OF YELLOWHAWK CREEK LYING WESTERLY OF THE CENTER OF THE EAST FORK OF YELLOWHAWK CREEK AND EASTERLY OF THE EASTERLY LINE OF LOT 1, AND LOTS 3–22 AS SHOWN ON THE OFFICIAL PLAT OF PROVENANCE REPLAT – PHASE 1 FINAL PLAT RECORDED JULY 5, 2011 IN BOOK 7 OF PLATS, PAGE 58 AS AUDITOR’S FILE NUMBER 2011–05130 TO BE GRANTED TO ALL LOTS AND REPLATTED LOTS FALLING WITHIN THE BOUNDARIES OF PROVENANCE PLANNED UNIT DEVELOPMENT RECORDED SEPTEMBER 4, 2007 IN BOOK 7 OF PLATS, PATE 38 AS AUDITOR’S FILE NUMBER 2007–10369

MOUTON ACRES LLC –

LOTS 32 THROUGH 61 OF PROVENANCE PLANNED UNIT DEVELOPMENT RECORDED SEPTEMBER 4, 2007 IN BOOK 7 OF PLATS, PAGE 38 AS AUDITOR’S FILE NUMBER 2007–10369.

TOGETHER WITH ACCESS FOR THE USE AND ENJOYMENT OF ALL EXISTING AND FUTURE WALKING PATHS ALONG THE EAST FORK OF YELLOWHAWK CREEK LYING WESTERLY OF THE CENTER OF THE EAST FORK OF YELLOWHAWK CREEK AND ALONG THE EASTERLY SIDE OF THE WEST FORK OF YELLOWHAWK CREEK TO BE GRANTED TO ALL LOTS AND REPLATTED LOTS FALLING WITHIN THE BOUNDARIES OF PROVENANCE PLANNED UNIT DEVELOPMENT RECORDED SEPTEMBER 4, 2007 IN BOOK 7 OF PLATS, PAGE 38 AS AUDITOR’S FILE NUMBER 2007–10369

ALSO TOGETHER WITH THAT PORTION OF THE OPEN SPACE ALONG THE EAST FORK OF YELLOWHAWK CREEK LYING EASTERLY OF THE CENTER OF OF THE EAST FORK OF YELLOWHAWK CREEK AND WESTERLY OF THE WESTERLY LINE OF LOTS 32 THROUGH 43 AND THE WESTERLY LINE OF LOTS 49 AND 50 OF SAID PROVENANCE PLANNED UNIT DEVELOPMENT.

ALSO, PRIVATE ROADS GRAPEVINE PLACE AND NOBLE COURT IN THEIR ENTIRETY AND THAT PORTION OF PROVENANCE LOOP SHOWN THEREON LYING EASTERLY OF THE TWO FOLLOWING DESCRIBED LINES:

LINE 1 (NORTHERLY LINE) – COMMENCING AT THE NORTHEAST CORNER OF LOT 1 OF PROVENANCE REPLAT – PHASE 1 FINAL PLAT, RECORDED JULY 5, 2011 IN BOOK 7 OF PLATS, PAGE 58 AS AUDITOR’S FILE NUMBER 2011–05130 AND RUNNING THENCE N62°52’39”E, ALONG THE SOUTHERLY LINE OF SAID PROVENANCE LOOP, A DISTANCE OF 33.33 FEET TO THE TRUE POINT OF BEGINNING FOR THIS LINE DESCRIPTION; THENCE N27°42’20”W A DISTANCE OF 38.00 FEET TO THE NORTHERLY LINE OF SAID PROVENANCE LOOP AND THE TERMINUS OF THIS LINE DESCRIPTION.

LINE 2 (SOUTHERLY LINE) – COMMENCING AT THE SOUTHEAST CORNER OF LOT 22 OF PROVENANCE REPLAT – PHASE 1 FINAL PLAT, RECORDED JULY 5, 2011 IN BOOK 7 OF PLATS, PAGE 58 AS AUDITOR’S FILE NUMBER 2011–05130 AND RUNNING THENCE S72°40’37”E, ALONG THE NORTHERLY LINE OF SAID PROVENANCE LOOP, A DISTANCE OF 39.84 FEET TO THE TRUE POINT OF BEGINNING FOR THIS LINE DESCRIPTION: THENCE 17°19’23”W A DISTANCE OF 37.98 TO THE SOUTHERLY LINE OF SAID PROVENANCE LOOP AND THE TERMINUS OF THIS LINE DESCRIPTION.

LOTS 1 THROUGH 6 OF PROVENANCE PLANNED UNIT DEVELOPMENT RECORDED SEPTEMBER 4, 2007 IN BOOK 7 OF PLATS, PAGE 38 AS AUDITOR’S FILE NUMBER 2007–10369.

ALSO, TOGETHER WITH THAT PORTION OF THE OPEN SPACE ALONG THE EAST FORK OF YELLOWHAWK CREEK LYING EASTERLY OF THE EAST LINE OF LOT 1 OF SAID PROVENANCE PLANNED UNIT DEVELOPMENT AND WESTERLY OF THE CENTER OF THE EAST FORK OF YELLOWHAWK CREEK.

JOHN D DAVIS AND KATIE DAVIS –

LOT 33 OF THE PROVENANCE FINAL PLAT, RECORDED IN BOOK 7 OF PLATS AT PAGE 38, UNDER AUDITOR’S FILE NO. 2007–10369, RECORDS OF THE AUDITOR OF WALLA WALLA COUNTY, STATE OF WASHINGTON.

CITY OF WALLA WALLA EASEMENT NOTE

BY ACTION OF THE RE–PLAT RECORDED AS AUDITOR’S FILE NO. 2017–06513 THE CITY OF WALLA WALLA WAS GRANTED AN EASEMENT FOR SANITARY SEWER AND WATER LINES WITHIN THE ENTIRETY OF THE PRIVATE STREETS SHOWN HEREON AS CHARDONNAY CT., CHAMPAGNE WAY AND CLARET CT. EASEMENTS WERE ALSO GRANTED FOR WATER SERVICE LINES TO EACH LOT, TEN (10) FEET IN WIDTH, BEING FIVE (5) FEET ON EACH SIDE OF THE SERVICE LINE TO EACH LOT AS CONSTRUCTED, AND THE PROLONGATION THEREOF, EXTENDING OUTSIDE OF THE ABOVE PRIVATE STREET EASEMENTS TO FIVE (5) FEET BEYOND THE WATER METER. WHEN REPAIRS OR REPLACEMENTS ARE MADE TO CITY SEWER OF WATER LINES, THE CITY SHALL RESTORE ALL SURFACES TO CITY STANDARDS.

DECLARATION

KNOW ALL MEN BY THESE PRESENTS THAT I, EBEN CORLISS, AN AUTHORIZED REPRESENTATIVE OF THE PROVENANCE HOMEOWNERS ASSOCIATION, I, AMY PHILLIPS HESS, AN AUTHORIZED REPRESENTATIVE OF MOUTON ACRES L.L.C., JOHN D DAVIS, AND KATIE DAVIS HAVE CAUSED THESE LANDS TO BE SUBDIVIDED AND PLATTED AS SHOWN HEREON. THE PROPERTY CONTAINED WITHIN THIS RE–PLAT IS SUBJECT TO THE CONDITIONS OF APPROVAL AND CRITICAL AREAS BUFFERS ESTABLISHED BY THE PREVIOUS SUBDIVISION. WE HEREBY WAIVE FOR OURSELVES AND FOR OUR SUCCESSORS ANY CLAIMS FOR DAMAGES AGAINST ANY PUBLIC AUTHORITY RESULTING FROM THE CONSTRUCTION OR MAINTENANCE OF ANY PUBLIC FACILITIES OR PUBLIC PROPERTY ON THE LANDS DESCRIBED HEREIN.

DATE EBEN CORLISS (PROVENANCE HOMEOWNERS ASSOCIATION)

DATE AMY PHILLIPS HESS (MOUTON ACRES L.L.C.)

DATE JOHN D DAVIS

DATE KATIE DAVIS

ACKNOWLEDGEMENT

STATE OF WASHINGTON  
COUNTY OF WALLA WALLA

BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, APPEARED \_\_\_\_\_, A DULY AUTHORIZED REPRESENTATIVE FOR PROVENANCE HOMEOWNER ASSOCIATION, WHO ACKNOWLEDGED THE FOREGOING SUBDIVISION AND DEDICATION TO BE A FREE AND VOLUNTARY ACT AND DEED.

WITNESS MY HAND AND SEAL THIS \_\_\_\_\_ DAY

OF \_\_\_\_\_, 20\_\_\_\_

MY COMMISSION EXPIRES \_\_\_\_\_

NOTARY PUBLIC FOR THE STATE OF WASHINGTON

RESIDING IN \_\_\_\_\_

ACKNOWLEDGEMENT

STATE OF WASHINGTON  
COUNTY OF WALLA WALLA

BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, APPEARED \_\_\_\_\_, A DULY AUTHORIZED REPRESENTATIVE FOR MOUTON ACRES LLC, WHO ACKNOWLEDGED THE FOREGOING SUBDIVISION AND DEDICATION TO BE A FREE AND VOLUNTARY ACT AND DEED.

WITNESS MY HAND AND SEAL THIS \_\_\_\_\_ DAY

OF \_\_\_\_\_, 20\_\_\_\_

MY COMMISSION EXPIRES \_\_\_\_\_

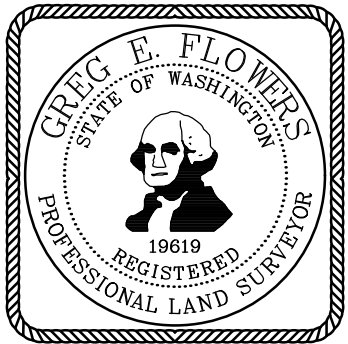
NOTARY PUBLIC FOR THE STATE OF WASHINGTON

RESIDING IN \_\_\_\_\_

TREASURER’S CERTIFICATE

I HEREBY CERTIFY THAT TAXES ON THE LAND DESCRIBED HEREON HAVE BEEN PAID TO AND INCLUDING THE YEAR 20\_\_\_\_\_

WALLA WALLA COUNTY TREASURER DATE



**PBS Engineering and Environmental Inc.**  
5 N Colville St, Ste 200  
Walla Walla, WA 99362  
509.956.3026  
  
pbsusa.com

CLIENT: MOUTON ACRES LLC		PROJECT NO.: 67634	
SURVEYOR: GREG E. FLOWERS		DATE: 9/29/2022	
CALC BY: GEF	DRAWN BY: GEF	SCALE: 1" = 200'	
SECTION:	TOWNSHIP: 7 NORTH	RANGE: 36 EAST	
CITY: WALLA WALLA	COUNTY: WALLA WALLA	SHEET <u>3</u> OF <u>3</u>	

PROVENANCE & MOUTON ACRES PLANNED UNIT DEVELOPMENT SHORT PLAT  
A SHORT PLAT OF PROVENANCE PLANNED UNIT DEVELOPMENT INCLUDING PROVENANCE REPLAT PHASE 1 AND PROVENANCE REPLAT PHASE 2 & 3 COMMON AREA

RECORDING INFORMATION:

PROVENANCE PLANNED UNIT DEVELOPMENT RECORDED SEPTEMBER 4, 2007 IN BOOK 7 OF PLATS, PAGE 38 AS AUDITOR’S FILE NUMBER 2007-10369.

PROVENANCE REPLAT - PHASE 1 RECORDED JULY 5, 2011 IN BOOK 7 OF PLATS, PAGE 58 AS AUDITOR’S FILE NUMBER 2011-05130.

PROVENANCE REPLAT - PHASE 2 & 3 RECORDED AUGUST 22, 2017 IN BOOK 7 OF PLATS, PAGE 89 AS AUDITOR’S FILE NUMBER 2017-06513.

RECORDS OF WALLA WALLA COUNTY, WASHINGTON

LOCATED IN THE NE AND SE 1/4'S OF THE SE 1/4 OF SECTION 22, THE NW AND SW 1/4'S THE SW 1/4 OF SECTION 23, AND THE NE 1/4 OF THE NE 1/4 OF SECTION 27, TOWNSHIP 7 NORTH, RANGE 36 EAST OF THE WILLAMETTE MERIDIAN, WALLA WALLA COUNTY, WASHINGTON.

ACKNOWLEDGEMENT

STATE OF WASHINGTON  
COUNTY OF WALLA WALLA

BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, APPEARED JOHN D DAVIS WHO ACKNOWLEDGED THE FOREGOING SUBDIVISION AND DEDICATION TO BE A FREE AND VOLUNTARY ACT AND DEED.

WITNESS MY HAND AND SEAL THIS \_\_\_\_\_ DAY

OF \_\_\_\_\_, 20\_\_\_\_

MY COMMISSION EXPIRES \_\_\_\_\_

NOTARY PUBLIC FOR THE STATE OF WASHINGTON

RESIDING IN \_\_\_\_\_

ACKNOWLEDGEMENT

STATE OF WASHINGTON  
COUNTY OF WALLA WALLA

BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, APPEARED KATIE DAVIS WHO ACKNOWLEDGED THE FOREGOING SUBDIVISION AND DEDICATION TO BE A FREE AND VOLUNTARY ACT AND DEED.

WITNESS MY HAND AND SEAL THIS \_\_\_\_\_ DAY

OF \_\_\_\_\_, 20\_\_\_\_

MY COMMISSION EXPIRES \_\_\_\_\_

NOTARY PUBLIC FOR THE STATE OF WASHINGTON

RESIDING IN \_\_\_\_\_

APPROVALS

THE FOREGOING SUBDIVISION IS HEREBY APPROVED IN ACCORDANCE WITH THE REQUIREMENTS OF CHAPTER 19.18 OF THE MUNICIPAL CODE OF THE CITY OF WALLA WALLA, WASHINGTON.

NEAL CHAVRE, P.E., CITY ENGINEER DATE

J PRESTON FREDERICKSON, DEVELOPMENT SERVICES DIRECTOR DATE



## Determination of Completeness

Notice is hereby given on this date, October 11, 2022, of the determination of completeness on the application/proposal described in this notice, by the City of Walla Walla Development Services. The following information may be included, where indicated, in the application or a determination of completeness upon the proposal made by the City of Walla Walla. If reference is made below to the application or determination of completeness, copies of the referenced materials are attached hereto or available on request. Preliminary determinations and information contained herein shall not bind the City of Walla Walla and are subject to continuing review and modification.

1. Applicant: Eben Corliss, President for the Provenance Homeowners Association Board of Directors, 1302 Puyallup Street, Suite A, Sumner, WA 98390
2. Property Owners: Provenance Homeowners Association, Mouton Acres LLC, John and Katie Davis.
3. Application filing date: June 2, 2022.
4. Date that application was determined to be substantially complete: October 11, 2022
5. Location and description of proposed action: Provenance Planned Unit Development (PUD), generally located east of East Alder Street and Wallace Street, Adjacent to Provenance Loop, Chardonnay Court, Reserve Way, Champagne Way, Noble Court, Grapevine Place, and Claret Court. Includes the following Parcel Numbers- 360722650033, 360722659901, 360722659903

The applicants are requesting a short plat of the Provenance Planned Unit Development (PUD) open space/common areas, which would create two separate tracts. This short plat does not create any additional residential lots or alter the common areas and easements. Each tract owner would be responsible for taxes and enforcement of covenants on the portion of the open space/common areas associated with that ownership. To remain in compliance with the conditions of approval for the original and subsequent phases of the PUD, the open space/common areas will remain accessible and for the benefit of all the combined and current and future homeowners within the PUD.

6. Comprehensive plan map designation(s) for the locations: Residential
7. Zoning map designation(s) for the locations: Neighborhood Residential.
8. The following listed permits and/or authorizations have been requested in the application: Preliminary Short Plat review,
9. The following listed permits and/or authorizations, if any, may be required for the proposal but are not included in the present application: None identified.
10. The City of Walla Walla has preliminarily determined that the application will be processed in accordance with the Walla Walla Municipal Code (WWMC) Level II review process.
11. The City of Walla Walla has preliminarily determined that the Walla Walla Comprehensive Plan/Environmental Impact Statement and the following listed code

provisions, development standards, and regulations may apply to the application and mitigation of proposal impacts: WWMC Titles 12, 13, 19, 20 and 21.

12. The City of Walla Walla has preliminarily determined that the proposal is consistent with applicable development regulations, or, in the absence of applicable regulations, the Walla Walla Comprehensive Plan, Walla Walla 2040/Environmental Impact Statement.
13. The City of Walla Walla has preliminarily determined that the following identified departments, agencies, and/or authorities may have jurisdiction over some part of the application: City of Walla Walla Public Works and City of Walla Walla Development Services.
14. At this time, the Applicant has been requested to provide the following additional information and/or studies: None identified at this time.
15. The City of Walla Walla has preliminarily determined that, in addition to the applicant and any general public notice that may be required, the following identified parties are entitled to notice of the application/proposal: Individuals who filed a special notice request with the City of Walla Walla Development Services.
16. **SEPA lead agency: City of Walla Walla**
17. The SEPA responsible official has preliminarily determined that the proposal is exempt from SEPA review.
18. The Responsible Official has preliminarily determined that the following listed conditions are being considered to mitigate environmental impacts: None identified at this time.
19. The Responsible Official has determined that the application, environmental checklist, Walla Walla Comprehensive Plan/Environmental Impact Statement and the following listed environmental documents and/or studies may be used to evaluate the proposal. Copies of these materials may be reviewed by contacting the Development Services Department at 509-524-4710 or visiting the city's website at [www.wallawallawa.gov](http://www.wallawallawa.gov).
20. Existing Environmental Documents. The following identified existing environmental documents are hereby incorporated by reference, and all or part of the documents may be used to evaluate the application/proposal: The Walla Walla Comprehensive Plan, Walla Walla 2040, and Final Environmental Impact Statement issued May 22, 2018. SEPA Mitigated Determination of Non-Significance of July 25, 2010 and November 16, 2010.
21. These documents are located at the City of Walla Walla Development Services at 55 E. Moore St., Walla Walla, Washington, and shall be made available for public review during all applicable comment periods on the application/proposal. The application documents may be reviewed by contacting the Development Services Department at 509-524-4710 or visiting the city's website at [www.wallawallawa.gov](http://www.wallawallawa.gov). The relevant content of these documents is briefly described as an environmental impact statement for the Walla Walla urban growth area which evaluates proposed actions, alternatives, and environmental impacts of activities allowed by the Walla Walla Comprehensive Plan & Environmental Impact Statement, as amended, for designated land use classifications. The comprehensive plan map designation(s) for the location of the proposed action is stated above.
22. For additional information please contact the City of Walla Walla Development Services at 55 East Moore Street, Walla Walla, WA 99362; (509)524-4710

## **NOTICE OF APPLICATION**

### **Project Summary:**

***The applicants are requesting a short plat of the Provenance Planned Unit Development (PUD) open space/common areas, which would create two separate tracts. This short plat does not create any additional residential lots or alter the common areas and easements. Each tract owner would be responsible for taxes and enforcement of covenants on the portion of the open space/common areas associated with that ownership. To remain in compliance with the conditions of approval for the original and subsequent phases of the PUD, the open space/common areas will remain accessible and for the benefit of all the combined and current and future homeowners within the PUD.***

**See Exhibit 1: Applicant Narrative of Proposed Action  
Exhibit 2: Plat Maps**

Notice is hereby given on this date: **October 13, 2022**, that the application/proposal described in this notice has been filed with the City of Walla Walla. The application documents may be reviewed at the City of Walla Walla Development Services office at 55 East Moore Street, Walla Walla, WA 99362 or by visiting the City's website at <https://www.wallawallawa.gov/government/development-services/public-notice>.

All interested persons and parties may comment on the application, receive notice of the hearing and/or a copy of decision(s) made on the proposal by filing a special notice request with the City of Walla Walla as provided in section 20.14.015 of the Walla Walla Municipal Code, and participate in hearings, if any.

The SEPA (State Environmental Policy Act) responsible official has determined that the proposal is not subject to SEPA threshold determination requirements per WWMC 21.08.181.C.6.a and WAC 197-11-800(6)(d). The following identified existing environmental documents are hereby incorporated by reference, and all or part of the documents may be used to evaluate the application/proposal: Walla Walla Comprehensive Plan Final Environmental Impact Statement (FEIS), issued May 22, 2018 and Walla Walla Comprehensive Plan- Walla Walla 2040, Ordinance 2018-15, adopted June 13, 2018. SEPA Mitigated Determination of Non-Significance of July 25, 2010 and November 16, 2010.

These documents are located at the offices of the City of Walla Walla Development Services at 55 East Moore Street, Walla Walla, Washington, and shall be made available for public review during all applicable comment periods on the application/proposal. The relevant content of these documents is briefly described as an Environmental Impact



Statement for the Walla Walla Urban Growth Area which evaluates proposed actions, alternatives, and environmental impacts of activities allowed by the Walla Walla Comprehensive Plan & Environmental Impact Statement, as amended, for designated land use classifications.

The following information may be included, where indicated, in the application or a determination of completeness upon the proposal made by the City of Walla Walla. If reference is made below to the application or determination of completeness, copies of the referenced materials are attached hereto. Preliminary determinations and information contained herein shall not bind the City of Walla Walla and are subject to continuing review and modification.

1. Applicant: Eben Corliss, President for the Provenance Homeowners Association Board of Directors, 1302 Puyallup Street, Suite A, Sumner, WA 98390.
2. Property Owners: Provenance Homeowners Association, Mouton Acres, LLC, John Davis, and Katie Davis.
3. Application filing date: June 2, 2022.
4. Date that application was determined to be substantially complete: October 11, 2022.
5. Location and description of proposed action: Provenance Planned Unit Development (PUD), generally located east of East Alder Street and Wallace Street, Adjacent to Provenance Loop, Chardonnay Court, Reserve Way, Champagne Way, Noble Court, Grapevine Place, and Claret Court. Includes the following parcel numbers- 360722650033, 360722659901, 360722659903

**The applicants are requesting a short plat of the Provenance Planned Unit Development (PUD) open space/common areas, which would create two separate tracts. This short plat does not create any additional residential lots or alter the common areas and easements. Each tract owner would be responsible for taxes and enforcement of covenants on the portion of the open space/common areas associated with that ownership. To remain in compliance with the conditions of approval for the original and subsequent phases of the PUD, the open space/common areas will remain accessible and for the benefit of all the combined and current and future homeowners within the PUD.**

6. Comprehensive plan map designation(s) for the locations: Residential.
7. Zoning map designation(s) for the locations: Neighborhood Residential.
8. Comments upon this application must be submitted in writing to the City of Walla Walla Development Services Department at 55 East Moore Street, Walla Walla, WA 99362 or via email to [permits@wallawallawa.gov](mailto:permits@wallawallawa.gov).  
**Comments must be actually received by the Development Services Department before 5:00 p.m. on the following date: Friday, November 4, 2022.**
9. **No public hearing will be held.** A public hearing is not required for this proposal.
10. The following listed permits and/or authorizations have been requested in the application: Preliminary Short Plat Review.  
The following listed permits and/or authorizations, if any, may be required for the proposal but are not included in the present application: None identified.
11. The City of Walla Walla has preliminarily determined that the application will be processed in accordance with the Walla Walla Municipal Code (WWMC) Level II review process.

12. The City of Walla Walla has preliminarily determined that the Walla Walla Comprehensive Plan, Walla Walla 2040/Environmental Impact Statement and the following listed code provisions, development standards, and regulations may apply to the application and mitigation of proposal impacts: WWMC Titles 12, 13, 19, and 20.
13. The City of Walla Walla is reviewing the application for consistency with applicable development regulations, or, in the absence of applicable regulations, the Walla Walla Comprehensive Plan, Walla Walla 2040/Environmental Impact Statement.
14. The City of Walla Walla has preliminarily determined that the following identified departments, agencies, and/or authorities may have jurisdiction over some part of the application: City of Walla Walla Public Works and City of Walla Walla Development Services.
15. At this time, the Applicant has been requested to provide the following additional information and/or studies: None at this time.
16. The City of Walla Walla has preliminarily determined that, in addition to the applicant and any general public notice that may be required, the following identified parties are entitled to notice of the application/proposal: Individuals who filed a special notice request with the City of Walla Walla Development Services.
17. SEPA lead agency: City of Walla Walla
18. The SEPA responsible official has preliminarily determined that the proposal is exempt from SEPA review.
19. The Responsible Official has preliminarily determined that the following listed conditions are being considered to mitigate environmental impacts: mitigation measures have not been identified at this time.
20. Application materials and other documents referenced above are located at the City of Walla Walla Development Services at 55 East Moore Street, Walla Walla, Washington, and shall be made available for public review during all applicable comment periods on the application/proposal. The relevant content of these documents is briefly described as an environmental impact statement for the Walla Walla urban growth area which evaluates proposed actions, alternatives, and environmental impacts of activities allowed by the Walla Walla Comprehensive Plan, Walla Walla 2040 & Environmental Impact Statement, as amended, for designated land use classifications. The comprehensive plan map designation(s) for the location of the proposed action is stated above.
21. **For additional information please contact the City of Walla Walla Development Services at 55 East Moore Street, Walla Walla, WA 99362. (509) 524-4710.**

TAXPAYERNAME	Mail Address	City	State	Zip
ALFORD CHRISTOPHER CHLOE E PULLMAN	421 RESERVE WAY	WALLA WALLA	WA	99362
APPELT SHARON & DARRELL OTTEN	2514 CRESTMONT PL W	SEATTLE	WA	98199
APPLEBEE TIMOTHY & RHONDA	2475 GARRISON ST	WALLA WALLA	WA	99362
ARIAS COLTON J & OLIVIA R	12113 NE 172ND PL UNIT J203	BOTHELL	WA	98011
ASSUMPTION CATHOLIC PARISH - WALLA WALLA	2098 E ALDER ST	WALLA WALLA	WA	99362
ATWOOD DANA D III & ERIKA J	2338 HAWK DR	WALLA WALLA	WA	99362
BAILEY CHRISTOPHER S	431 RESERVE WAY	WALLA WALLA	WA	99362
BAKER ROBERT & TAMMY S	491 RESERVE WAY	WALLA WALLA	WA	99362
BERGH CORY & DEANNE	380 RESERVE WAY	WALLA WALLA	WA	99362
BLACK DIAMOND SCIENCE LLC	179 VINEHILL DR	WALLA WALLA	WA	99362
BLUE MOUNTAIN COMMERCIAL LLC	1302 PUYALLUP ST, SUITE A	SUMNER	WA	98390
BLUE MOUNTAIN VINEYARD LLC	1302 PUYALLUP ST, SUITE A	SUMNER	WA	98390
BROWN ROBERT C & LANA L	225 CHAMPAGNE WAY	WALLA WALLA	WA	99362
BURTON CHAD D & KATHY J	286 CHAMPAGNE WAY	WALLA WALLA	WA	99362
CASTILLO SAMUEL & DEBORAH L	331 RESERVE WAY	WALLA WALLA	WA	99362
CHANCE MARK J & KARI BATES	260 CHAMPAGNE WAY	WALLA WALLA	WA	99362
CHANDLER KIMBERLY COLLEEN & STEPHANIE ASPEN	372 CHARDONNAY CT	WALLA WALLA	WA	99362
CLARKE GENE B & MARY P	401 RESERVE WAY	WALLA WALLA	WA	99362
COLLINS ROBERT J	709 BERNEY DR	WALLA WALLA	WA	99362
CONLEY GENE R & JAYNE E DIDARIO	2860 WILLIAMS RD	WALLA WALLA	WA	99362
CRICHTON CHASE & JEANNETTE	424 RESERVE WAY	WALLA WALLA	WA	99362
CROFT JEREMIAH ANDREW DYBDAHL MAEGHAN CROFT	320 RESERVE WAY	WALLA WALLA	WA	99362
DARNEILLE THOMAS & RANEY LEPPER	311 RESERVE WAY	WALLA WALLA	WA	99362
DAVIS JOHN D & KATIE	2364 PROVENANCE LOOP	WALLA WALLA	WA	99362
DECKERT TIMOTHY H & SHONA M	351 RESERVE WAY	WALLA WALLA	WA	99362
DEFOOR DANIEL E	PO BOX 2498	WALLA WALLA	WA	99362
DOWNIE SHARON K	2306 HAWK DR	WALLA WALLA	WA	99362
DUMONT JAMES G & DEBORAH L	371 CHARDONNAY CT	WALLA WALLA	WA	99362
EILEEN KELLY 2007 TRUST	384 CHARDONNAY CT	WALLA WALLA	WA	99362
ELDER ROSS D & CYNTHIA M	230 CHAMPAGNE WAY	WALLA WALLA	WA	99362
ELSEY SUSAN F	2352 HAWK DR	WALLA WALLA	WA	99362
EMMETT C SULLIVAN & MARY A SULLIVAN	2342 HAWK DR	WALLA WALLA	WA	99362
ERVIN RICHARD J & CECILE L	404 RESERVE WAY	WALLA WALLA	WA	99362
FINCHER JERRY L & NONA	2314 HAWK DR	WALLA WALLA	WA	99362
FLORES KATHERINE ELIZABETH & EVELYN CRYSTAL	245 CHAMPAGNE WAY	WALLA WALLA	WA	99362
GAJEWSKI, Dr. JAMES	347 CHARDONNAY CT	WALLA WALLA	WA	99362
GERLING JULIET & STEVEN	120 CLARET CT	WALLA WALLA	WA	99362
GREINER WILLIAM C	309 N COLVILLE	WALLA WALLA	WA	99362
GREINER WILLIAM C & SHARIE L	2050 DELMONT PL	WALLA WALLA	WA	99362
HAASCH DARYL A & MARY S	451 RESERVE WAY	WALLA WALLA	WA	99362
HANSON CALVIN J & CAROL Y	320 CHARDONNAY CT	WALLA WALLA	WA	99362
HANSON JERALD CAROL Y & CALVIN J HANSON	26 E MAIN ST STE 7	WALLA WALLA	WA	99362
HARMON JAMES ANN MCLACHLAN-HARMON	270 CHAMPAGNE WAY	WALLA WALLA	WA	99362
HARMON KEVIN C & KATHLEEN D	353 CHARDONNAY CT	WALLA WALLA	WA	99362
HARMON RODNEY D & PATRICIA J	280 CHAMPAGNE WAY	WALLA WALLA	WA	99362
HARRINGTON SCOTT N & TERESA A	220 CHAMPAGNE WAY	WALLA WALLA	WA	99362

HATCH ROBERT T & MARTHA L	360 RESERVE WAY	WALLA WALLA	WA	99362
HESS CHERYL	461 RESERVE WAY	WALLA WALLA	WA	99362
HICKMAN JESSE & GENEVIEVE	498 RESERVE WAY	WALLA WALLA	WA	99362
HOLLY L ISENHOWER REVOCABLE TRUST	361 RESERVE WAY	WALLA WALLA	WA	99362
INVESTMENTS LLC	PO BOX 2944	WALLA WALLA	WA	99362
IRION DAVID R & ELLEN J	362 CHARDONNAY CT	WALLA WALLA	WA	99362
IRWIN CAROL L & LARENCE L SMITH	341 CHARDONNAY CT	WALLA WALLA	WA	99362
JANINE MARIE DONOHO & TERRY LEE DONOHO RVCBL	444 RESERVE WAY	WALLA WALLA	WA	99362
JESS NANCY M	297 CHAMPAGNE WAY	WALLA WALLA	WA	99362
JOHNSON ANDREW MICHAEL & VICTORIA WOLFF	210 CHAMPAGNE WAY	WALLA WALLA	WA	99362
JOHNSON MARTIN D & DIANNE L	2336 HAWK DR	WALLA WALLA	WA	99362
JONES DAVID FREDERICK	1585 GRAY LYNN DR	WALLA WALLA	WA	99362
JONES DUSTIN E GILLIAN B BALAS	253 MERRILL RD	WALLA WALLA	WA	99362
JOSHUA KAZIPUTALIMBA & ELISE O'CONNELL	308 CHARDONNAY CT	WALLA WALLA	WA	99362
KARR CORY R & MISTY D	350 CHARDONNAY CT	WALLA WALLA	WA	99362
KEITHLEY KENNETH R & CASSANDRA	434 RESERVE WAY	WALLA WALLA	WA	99362
KETELSEN ALLEN F & MIKE NEEDHAM & PRINGLE FAMILI	3050 BRISBANE DR	WALLA WALLA	WA	99362
KIMBLE STEVE & VANESSA	332 CHARDONNAY CT	WALLA WALLA	WA	99362
KIRSHNER DANIEL A	441 RESERVE WAY	WALLA WALLA	WA	99362
KIRSTINE RONALD L & JANICE M	2348 HAWK DR	WALLA WALLA	WA	99362
KNIGHT DIANE DEMETER	390 RESERVE WAY	WALLA WALLA	WA	99362
KOWALKOWSKI CYNTHIA L & JOHN C	359 CHARDONNAY CT	WALLA WALLA	WA	99362
LAMANNA JOHN SAMUEL & SARA	110 CLARET CT	WALLA WALLA	WA	99362
LARSEN STEVEN & GAYLE PATRICIA	370 RESERVE WAY	WALLA WALLA	WA	99362
LASTOSKIE FAMILY TRUST	4025 HONEY BEAR LOOP	ROUND ROCK	TX	78681
LAYDEN CAITLIN CHRISTOPHER JOHN ZITA	2302 HAWK DR	WALLA WALLA	WA	99362
LEITNER KAREN & MICHAEL G	378 CHARDONNAY CT	WALLA WALLA	WA	99362
LENO BRANDON & NAILA CORTEZ-LENO	2308 HAWK DR	WALLA WALLA	WA	99362
LIEBRAND CLAIR & ESTHER	1776 STATELINE RD	WALLA WALLA	WA	99362
LOPEZ JOSE DE JESUS MARIA I LOPEZ	2057 WALLACE ST	WALLA WALLA	WA	99362
LOPEZ JOSE RAMON	150 CLARET CT	WALLA WALLA	WA	99362
MALLARD DEBRA A	251 MERRILL RD	WALLA WALLA	WA	99362
MATOS MARCO & CHRISTINA LYNN	140 CLARET CT	WALLA WALLA	WA	99362
MAY MICHAEL LUE & DEBORAH GROTH MAY	454 RESERVE WAY	WALLA WALLA	WA	99362
MCCORMACK MAVIS ARMILDA	2326 PROVENANCE LOOP	WALLA WALLA	WA	99362
MESPLAY JACQUE	381 RESERVE WAY	WALLA WALLA	WA	99362
MILLER MICHAEL KAY R NELSEN	302 CHARDONNAY CT	WALLA WALLA	WA	99362
MOHR CHRISTA	2370 PROVENANCE LOOP	WALLA WALLA	WA	99362
MONDS ROBERT F SUE ANNE LARKIN	2376 PROVENANCE LOOP	WALLA WALLA	WA	99362
MOREHEAD BRUCE MICHAEL & TRACY KATHRYN	414 RESERVE WAY	WALLA WALLA	WA	99362
MORGAN RICHARD L JR & YOLANDA T	2310 HAWK DR	WALLA WALLA	WA	99362
MOSES MICHAEL J & KATHLEEN E	2500 GARRISON ST	WALLA WALLA	WA	99362
MOUTON ACRES LLC	1302 PUYALLUP STREET STE A	SUMNER	WA	98390
NEWTON DOUGLASS P	250 CHAMPAGNE WAY	WALLA WALLA	WA	99362
NGUYEN THUAN PHUOC	9856 BROCKWAY ST	EL MONTE	CA	91733
NICHOLSON FRANCIS L JULIE DIANE HARVEY	338 CHARDONNAY COURT	WALLA WALLA	WA	99362
OLSON BYRON W & PHILLIS D	298 CHAMPAGNE WAY	WALLA WALLA	WA	99362

OSWALD JAMES A	398 CHARDONNAY CT	WALLA WALLA	WA	99362
OWEN CHRISTOPHER M & SARAH T	2501 GARRISON ST	WALLA WALLA	WA	99362
PHILLIPS CHARLES B	426 S PALOUSE	WALLA WALLA	WA	99362
POOLMAN RICHARD M & DOLORES V	2312 HAWK DR	WALLA WALLA	WA	99362
PROVENANCE HOMEOWNERS ASSOCIATION	1302 PUYALLUP ST STE A	SUMNER	WA	98390
PROVENANCE HOMEOWNERS ASSOCIATION	5 W ALDER ST STE 400	WALLA WALLA	WA	99362
PROVENANCE III LLC	1302 PUYALLUP ST STE A	SUMNER	WA	98390
REITER PHILIP & JO ANNE	2332 HAWK DR	WALLA WALLA	WA	99362
REYES J ASCENCION SAUCEDO & CELIA LANDA	2350 HAWK DR	WALLA WALLA	WA	99362
RICHMOND SHARI A	38 FOSTER RD	WALLA WALLA	WA	99362
ROUDIN BRITTANY ROSHAN PATEL	235 CHAMPAGNE WAY	WALLA WALLA	WA	99362
SAUNDERS WILLIAM & MARY ESTATE DEBRA SAUNDEF	2340 HAWK DR	WALLA WALLA	WA	99362
SCHAFER CAROLE J & SCOTT G	292 CHAMPAGNE WAY	WALLA WALLA	WA	99362
SCHORR JANET	6031 MCKINLEY PLACE NORTH	SEATTLE	WA	98103
SEDWICK JOHN & LISA J	675 BERNEY DR	WALLA WALLA	WA	99362
SHEARER JOHN R & LEE ANNE	240 CHAMPAGNE WAY	WALLA WALLA	WA	99362
SHOEMAKE RODGER R & VIRGINIA	2316 HAWK DR	WALLA WALLA	WA	99362
SICKELS ROBERT C ANNE M BUCHAN	350 RESERVE WAY	WALLA WALLA	WA	99362
SPENCER BENJAMIN & MIRIAM	464 RESERVE WAY	WALLA WALLA	WA	99362
STEPHENS DANIELLE A	2318 HAWK DR	WALLA WALLA	WA	99362
STONECIPHER LORI M STEPHEN R SCHUCK	4713 48TH AVE NE	SEATTLE	WA	98105
SYDNEY PROPERTIES LLC	270 SUMMERS CIRCLE	WALLA WALLA	WA	99362
TAYLOR THOMAS ZANE HAIYAN DONG	2320 HAWK DR	WALLA WALLA	WA	99362
TEMPLIN JACOB & CLAIRE	326 CHARDONNAY CT	WALLA WALLA	WA	99362
THE GEORGE ARNOLD OUZTS REVOCABLE TRUST	371 RESERVE WAY	WALLA WALLA	WA	99362
THORSON PETER M	2372 PROVENANCE LOOP	WALLA WALLA	WA	99362
TOWNE DONALD R & CYNTHEIA L	368 CHARDONNAY CT	WALLA WALLA	WA	99362
VERGARA VICTOR H & LOLA RAMOS	330 RESERVE WAY	WALLA WALLA	WA	99362
VOSHELL ALBERT D & JUDY A	321 RESERVE WAY	WALLA WALLA	WA	99362
WADDLE JAMES M & KIMBERLY A	2344 HAWK DR	WALLA WALLA	WA	99362
WATILO ROBERT & MICHELLE	391 RESERVE WAY	WALLA WALLA	WA	99362
WATKINS MICHAEL R & NANCY J	2346 HAWK DR	WALLA WALLA	WA	99362
WOLLMUTH MARY T	314 CHARDONNAY CT	WALLA WALLA	WA	99362
ZAMORA WHITNEY & JOSE MARTINEZ ZURITA	1340 HAVSTAD DR	WALLA WALLA	WA	99362
ZARO BRIAN J & LESLIE A	481 RESERVE WAY	WALLA WALLA	WA	99362
ZURITA JOSE M MARTINEZ WHITNEY S ZAMORA	1340 HAVSTAD DR	WALLA WALLA	WA	99362

Preston Fredrickson, Director  
City of Walla Walla Development Services  
55 East Moore Street  
Walla Walla, WA 99362



Re: Short Plat of Provenance Planned Unit Development Open Space/Common Areas

Dear Director Fredrickson,

I am Michael Miller, resident of the Provenance neighborhood living at 302 Chardonnay Ct., Walla Walla, WA. I want to declare my support of the 5 issues raised by resident and current HOA Board Member Douglas Newton in his letter to you regarding the short plat. I am particularly concerned about the increased traffic, possible commercial traffic supporting the Tranche Winery operation adjacent to our development and how the two HOA's will share the maintenance of the roads, bridges and common areas.

I am also concerned about the request that the ownership of the greenbelt, APN360722659902 be transferred from our HOA to Mouton Acres at the time the short plat is recorded without compensation to the Provenance HOA. Your letter stated the HOA Board requested the ownership change. For clarification, the HOA Board is controlled (3 of 5 members) by the original developer despite the fact that they only own 1 of the 88 lots in the Provenance HOA development. The original developer manipulated the CC& R documents so that they could control the decisions until they were ready to relinquish control. Residents currently own 87 of the 88 lots, yet hold a minority of 2 positions on the board. I find the ownership control to be inappropriate in a democratic society!

Thank you for allowing our residents to comment on this short plat request.  
I hope you will carefully consider the concerns of the Provenance residents.

  
Michael Miller  
302 Chardonnay Ct.  
Walla Walla, WA 99362  
[miller98042@yahoo.com](mailto:miller98042@yahoo.com)  
206-595-7536

## Jon Maland

---

**From:** Permits  
**Sent:** Wednesday, November 2, 2022 3:20 PM  
**To:** Jon Maland  
**Subject:** FW: short plat of the Provenance Planned Unit Development (PUD)

---

**From:** collegeplacewa123@yahoo.com <collegeplacewa123@yahoo.com>  
**Sent:** Wednesday, November 2, 2022 7:11 AM  
**To:** Permits <permits@wallawallawa.gov>  
**Subject:** short plat of the Provenance Planned Unit Development (PUD)

From: Friends of Yellowhawk Creek Dear City of Walla Walla,

To: City Development Services:

This letter is in regard to the Corlis/Mouton Short Plat notice. The proposed action is along the east branch of Yellow Hawk Creek. Washington Department of Fish and Wildlife and other environmental groups are working very hard to restore runs of Mid-Columbia Steelhead. East Yellowhawk is migration route and rearing area. Mid-Columbia steelhead are list as threatened under the Endangered Species Act (ESA). If steelhead runs in this basin and Yakima Basin can be restored then these fish can be delisted, which would be a huge deal, and thus the huge community effort.

Several years ago, Kooskooskie-Commons environmental group told us that there would be a great riparian buffer installed along Yellowhawk Creek as soon after the Provenance development was approved by the City. Kooskooskie-Commons then told us that Corlis back out of installing the buffer, after the subdivision was approved, even though Kooskookie Commons had received a grant to install the riparian buffer.

The Developer pump station frequently dewater Yellowhawk creek. Numerous complaints have been called into the Ecology watermaster. There is an on-going investigation.

The Developer recently installed a new house on the east side of the Creek. The city critical area ordinance is clear. A Fifty-foot-wide riparian buffer zone is required as measure from the top of bank and letters of consultation are required for the State and Federal fish agencies. Instead, there is no buffer but lawns, fencing and lighting in the buffer zone. The recently constructed house is a clear violation of the city critical area ordinance and ESA, as no buffer exists.

New house construction or a second HOA should not be allowed until they are in full compliance with local, state, and federal environmental laws. Due to potential liability the City should strengthen its environmental documentation by:

- Have the developer hire an environmental consulting firm to develop a 50' riparian planting plan and stream improvement plan, to include woody debris and fish barrier removal. Also, install a buffer protection fence 50' from top of bank should be established, protection the buffer from the developer and housing contractors.

- Have consultation letter in the file from Washington Department of Wildlife approving the buffer plan, stream restoration plan and any required mitigation, as per city ordinance.
- Have consultation letter in the file from NOAA Fisheries approving the plan and any required mitigation required for threatened ESA steelhead.
- Have consultation letter in the file from US Fish and Wildlife approving the plan and any required mitigation required for threatened ESA bull-trout.
- Letter of Ecology due to their current involvement with the property.

Thank you for protecting this critical ESA fish passage stream.

\* \* \* \* \* SPECIAL PUBLIC DISCLOSURE NOTICE TO RECIPIENT(S): Information contained in any communication to or from the City of Walla Walla, including attachments, may be subject to the disclosure requirements of Washington's Public Records Act, Ch. 42.56 RCW.



## Jon Maland

---

**From:** Permits  
**Sent:** Wednesday, November 2, 2022 3:19 PM  
**To:** Jon Maland  
**Subject:** FW: Letter of Concern for Mouton Development and Provenance HOA

---

**From:** Linda Herbert <LHERBERT621@msn.com>  
**Sent:** Wednesday, November 2, 2022 12:40 PM  
**To:** Permits <permits@wallawallawa.gov>  
**Cc:** Judith S. Johnson <jsj@bmi.net>; bob carson <carsonrj@whitman.edu>; dobsonhe@whitman.edu; Sandy Shelin <kidshelin@charter.net>  
**Subject:** Letter of Concern for Mouton Development and Provenance HOA

To the City of Walla Walla Development Services Department,

Walla Walla 2020 echoes the concerns outlined by Judith Johnson of Kooskooskie Commons regarding the proposed expansion of Provenance housing development on Yellowhawk Creek.

The proximity of the proposed Mouton Development to Yellowhawk Creek necessitates close examination of the project. It does not appear that consideration is given to providing adequate riparian buffer along this stream for shade and filtration of runoff, which support favorable water temperature and quality for fish and other aquatic species. We also are concerned with the large amount of non-permeable surfaces which will preclude shallow aquifer recharge, as well as the lack of infiltration basins to filter runoff.

WW2020 supports the previous and on-going work of Kooskooskie Commons, Confederated Tribes of the Umatilla, and Washington Department of Fish and Wildlife in their efforts to optimize conditions for endangered fish in Yellowhawk Creek. We request close scrutiny be given to this proposal to ensure their work is supported rather than jeopardized by expanded development along this critical stream.

Sincerely,



WW2020 Executive Committee  
Robert Carson, President  
Heidi Dobson, Vice President  
Sandy Shelin, Treasurer  
Linda Herbert, Secretary

\* \* \* \* \* SPECIAL PUBLIC DISCLOSURE NOTICE TO RECIPIENT(S): Information contained in any communication to or from the City of Walla Walla, including attachments, may be subject to the disclosure requirements of Washington's Public Records Act, Ch. 42.56 RCW.



New HOA,

Last fall Provenance HOA had a meeting. It was announced much to almost everyone's surprise that Corlis would be forming a new HOA east of Yellowhawk Creek and the property the current Provenance HOA owns on the other side of Yellowhawk creek (hillside) would be donated to the new HOA.

A motion was made and seconded to take no future action, until we the HOA members could examine the details. The vote was almost unanimous, minus one board member who was quite indigent and said the HOA members were not allowed to vote on this as the Board had made the decision with great care and in the best interest of the HOA.

Another member brought up that if land was taken for the HOA, then we should be compensated. A number in the range of \$250,000 was brought up.

At this point Corlis's attorney stepped and informed the HOA, that Corlis still owns one lot. He therefore controls the board. This is a board decision and the HOA members have no voice in the matter.

When we bought our house we were led to believe there would be one Provenance HOA. If the City allows two HOA's in one subdivision, there will be much fighting over budgets and responsibilities. The haves and the have nots. They will have to pass through our HOA and we will have to provide services such as road and bridge maintenance, snow plowing, care of all the walking paths, landscaping so it can look nice while they drive through our HOA. So we vote no for the current second HOA proposal.

If the City allows this to happen then the applicant should have to pay 40% of the current annual HOA costs, plus \$500,000 for the hillside they are buying. They should only be able to use the southern bridge for construction vehicles and then pave the road they used for construction through the Provenance HOA when they are done with construction.

One council member has already been listening to the neighbors concerning the political, legal and environmental considerations. It should all be carefully considered before two (2) HOA's are allowed to exist in one subdivision.

Thank you,

Frank Nicholson

Julie Harvey

338 Chardonnay Ct.

*Frank Nicholson*  
*Julie Harvey*

October 28, 2022

## **Letter of Concern for Mouton Development and Provenance HOA**

**To: City of Walla Walla Development Services Department**

**55 E. Moore Street, Walla Walla, WA 99362**

**Email: [permits@wallawallawa.gov](mailto:permits@wallawallawa.gov)**

The following comments are in response to the Notice of Application File# SPL-22-0007 published on October 13, 2022.

Provenance Planned Unit Development (PUD), generally located east of East Alder Street and Wallace Street, adjacent to Provenance Loop, Chardonnay Court, Reserve Way, Champagne Way, Noble Court, Grapevine Place and Claret Court and includes the following parcel numbers- 360722650033, 360722659901, 360722659903.

### **First, Kooskooskie Commons is concerned with problems associated with proposed application's proximity to Yellowhawk Creek.**

Yellowhawk Creek is named after Chief Yellowbird, who had his camp near the Braden School at the time of the signing of the 1855 Treaty, as per the Cultural Resources Department of the Confederated Tribes of the Umatilla Indian Reservation (CTUIR). The proposed application for development of additional housing in this location is near the headwaters of Yellowhawk Creek, the only fish passage route to spawning areas in upper Mill Creek during summer months when Mill Creek flow is too low and too hot for fish. Any detrimental practices in the proposed Provenance expansion and Mouton Development will affect water quality and quantity the entire length of Yellowhawk Creek downstream to its confluence with the Walla Walla River.

In the past decade over a million dollars have been spent to restore riparian habitat along 2.1 miles adjacent to Yellowhawk Creek through Washington Department of Ecology Section 319 water quality improvement grants. In addition, untold dollars have been spent to remove fish passage barriers in Yellowhawk Creek by CTUIR and Washington Department of Fish and Wildlife. Detrimental actions near the headwaters threaten to undo all the past and continuing efforts to make Yellowhawk Creek safe for ESA listed fish.

Below is a list of elements of Yellowhawk Creek from Russell Creek to Mill Creek which require protection, according to: *Walla Walla County, WA Code of Ordinance 6B*. (This encompasses the proposed application.)

- Summer steelhead migration, limited rearing habitat and/or Ecosystem Diagnosis and Treatment
- A priority protection reach (for summer steelhead migration)
- Large woody debris recruitment

- Shade
- Control sediment nutrients, and stormwater runoff
- Buffer 50 ft (on both sides of the creek)

**The plat published by the City of Walla Walla Development Services Department does not include a buffer on the east side of the East Branch of Yellowhawk Creek as required by the Critical Areas Ordinance quoted above.** The plat description for Mouton Acres lists the existing green space with the asphalt (non-permeable) walking path on the west side of the East Fork of Yellowhawk Creek for the enjoyment of the residents who will be living in the Mouton acres development. **Therefore, expansion of the Provenance HOA and the Mouton Acres development application is not up to code as no new riparian buffer is platted on the east side of the East Fork of Yellowhawk Creek.**

The existing 6-foot-wide asphalt walking path already negatively impacts the current 50-foot buffer in the common green space by its impermeability and closeness (often within 4 feet) to the creek. Additionally, the current riparian vegetation averages only 4 to 8 feet of the buffer set back width and is composed of a single line of non-native black locust trees and invasive Himalayan blackberries. Therefore, the buffer is not functioning as it should to filter run-off and provide shade to maintain cold, clean water for the ESA listed anadromous fish that migrate through the Provenance HOA.

In 2012, the Assumption Church used a grant from the Washington Department of Ecology to install a 35-foot by 630-foot buffer on the west side of the West Fork of Yellowhawk Creek, removing non-native species and planting native species of trees, shrubs, and grasses. The project also included a four-foot-wide *permeable walking path*. See attached photos from 2013 and October 28, 2022, to demonstrate a functioning riparian buffer.

**The second issue of concern is the impact on Yellowhawk Creek and the shallow gravel aquifer from stormwater, sediment, and nutrient runoff.**

According to the 2018 Update of the Zoning Code, Neighborhood Residential requirements include setbacks of 20 feet from front and rear property lines, and 5 feet from either side. (These are the same as former R-60 and R-72.) RN maximum lot coverage (how much of the lot can be covered with roofed structures, including home, garage, covered porches, sheds, etc.) is 50%.

From aerial maps of the current development in the Provenance HOA, it appears that more than 50% of the lots are covered by impermeable surfaces. Because the streets are private streets, no parking is allowed on them. Therefore, individual lots must have concrete driveways to accommodate an average of 2 cars, adding to the roof, sidewalk and street surfaces which do not absorb water.

Also, roof runoff seems to be directed towards the streets, from which water is evacuated to drains that are sometimes within a few feet of Yellowhawk Creek. No evidence of swales or other means of filtering runoff seem to be installed in the current Provenance HOA.

As per the *2018 Critical Areas Ordinance Update – Walla Walla County Critical Aquifer Recharge Areas – Walla Walla River Shallow Gravel Aquifer CARA – Southwest County*, the

Provenance/Mouton Acres Development appears to be in a critical shallow aquifer recharge area. The consequence of such a great quantity of impervious surface areas in the development is reduced shallow aquifer recharge and thus, water which normally moves east to west through the shallow aquifer (the City of Walla Walla and beyond) will be diminished.

There are 18 named creeks and up to 40 small ponds in Walla Walla. The new First Avenue Plaza recently approved by the City Council and now under construction celebrates these 'many waters.' But unfortunately, there are examples in our community where, rather than celebrated, their value is disregarded or degraded. For instance, in the recent expansion of Pioneer Middle School, an asphalt parking lot was built within 4 feet of Garrison Creek, destroying 1200 by 25 feet of riparian habitat installed in 2014. Together with the runoff from 50 or more cars, this shortsighted placement will impact aquatic species through degraded water quality and temperature. (Ironically, the sign placed by the Walla Walla County Conservation District and the Wildhorse Foundation explaining the importance of riparian buffers in keeping water clean and providing habitat for wildlife still stands on the other side of the creek.) City Codes initiated for preservation of our natural resources were bypassed in this instance. We must ensure that this does not happen again. Revising the plat for Provenance HOA expansion and Mouton Acres Development to protect Yellowhawk Creek and the shallow gravel aquifer would be a significant step in the right direction.

Sincerely,



Judith S. Johnson, Program Coordinator  
209 North Clinton Street  
Walla Walla, WA 99362  
[jsj@bmi.net](mailto:jsj@bmi.net)  
509-301-2973



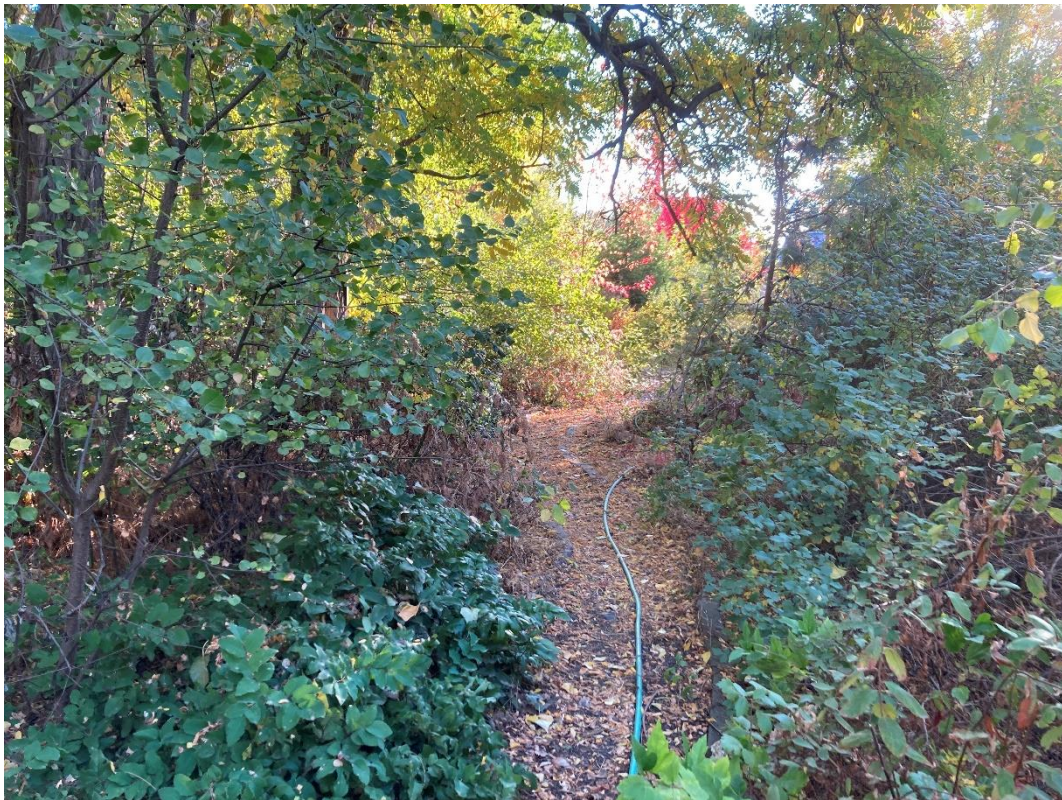


Current asphalt impermeable path and riparian habitat along Yellowhawk Creek  
at Provence HOA





Assumption Church riparian restoration adjacent to Yellowhawk Creek in 2013



Assumption Church riparian restoration on Yellowhawk Creek October 2022

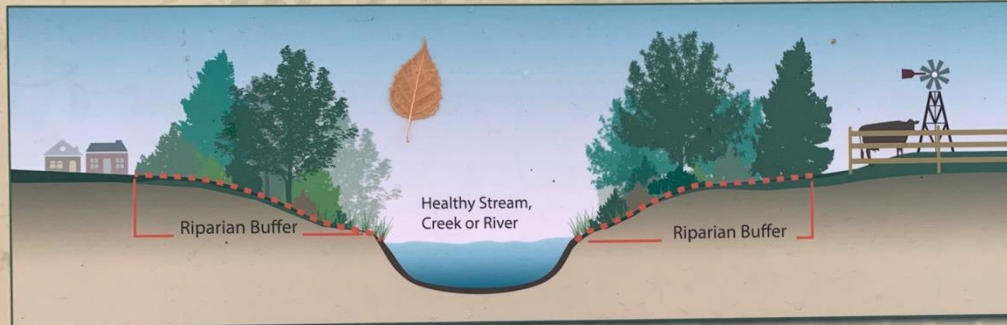


# Riparian Buffers



WALLA WALLA COUNTY  
CONSERVATION DISTRICT

WILDHORSE FOUNDATION



## What is a Riparian Buffer?

A riparian buffer is a vegetated area adjacent to a stream, creek or river. This area provides protection from pollution generated from human land use. They keep our water clean by removing sediments and nutrients. They provide streambank stabilization and create habitat for fish and wildlife. Clean water creates habitat for Salmon and other fish. The trees and shrubs create habitat for deer and elk.

In the tribal creation belief, the Creator asked the foods "**Who will take care of the Indian People?**" Salmon was the first to promise, then the other fish lined behind Salmon, next was Deer, then Cous, then Huckleberry.

## Healthy Rivers and First Foods

The Cayuse, Umatilla and Walla Walla tribes have lived in the Columbia River Region for more than 10,000 years. They relied on Salmon, Roots, Berries, Deer and Elk to keep them fed throughout the seasons. These First Foods rely on healthy rivers and rivers rely on healthy riparian areas.



Cúus  
Water



Núsu  
Salmon



Yáamas  
Deer



Xáws  
Cous



Wíwnu  
Huckleberry



**From:** [Doug Newton](#)  
**To:** [Permits](#)  
**Subject:** Comments on Public Notice SPL-22-0007  
**Date:** Friday, November 4, 2022 1:19:45 PM

---

Attn:  
City of Walla Walla  
Development Services Department

Re:  
Doug Newton  
250 Champagne Way  
Walla Walla, WA 99362  
(509) 301-7832

Subject:  
Mouton/Provenance PUD  
Short Plat Review Comments

Dear Sir/Ma'am,

My comments below are in reference to the subject short plat application submitted by Mr. Eben Corliss.

1. BMC/BMV easement - My understanding is that the Applicant has proposed a cost sharing agreement between Mouton HOA and Provenance HOA, on a "per developed lot" basis. The document I've seen indicates that once Mouton starts developing lots, each lot will start paying into Provenance HOA for the maintenance and reserves of the roads and access bridges. There is no proposed expense sharing for open space and common areas such as trails and entrance landscaping or lighting. I have not seen this document in the Applicant's submission package.
2. There is no limitation on what type of vehicles can use the BMC/BMV easement. It should be limited to homeowner's and guest's vehicles, with limitations on commercial or agricultural vehicles accessing BMC and BMV. I am also concerned about all the additional construction traffic if/when the Mouton lots start being developed; lots of potential for Contractors to damage or put extra wear and tear on Provenance HOA roads and bridges.
3. To truly separate the properties into 2 distinct HOAs, it would be ideal if the Applicant built a new access road to the Mouton HOA from Berney Drive and/or Reservoir Rd. My understanding is the Applicant owns the properties that front these roads and current Provenance HOA.
4. Expense Sharing - I have several concerns on the proposed Expense sharing agreement, which to my knowledge has not been shared with the Public Notice documents. Mouton HOA should share expenses for Landscaping, Irrigation R&M, Watering, and Walking Path maintenance. If they will be utilizing Provenance access (Alder St. and Wallace St.) and common spaces, it seems fair that they should share the cost of maintaining those common areas.
5. My main concern as a homeowner in the Provenance HOA is that we continue to enjoy access to walking/biking throughout the whole PUD. I would be sorely disappointed if sometime in the future we got shut out of the common areas within the Mouton lots. It seems like the Applicant has addressed this in the paragraph on Sheet 2 of the replat....."subsequent phases of the PUD the open space/common area in its

entirety shall be for the benefit of all the combined current and future homeowners within the PUD....". However, the documents are so riddled with confusing legalese, it's hard to tell what kind of loopholes there might be that would allow Mouton HOA to shut out Provenance HOA owners sometime in the future. The proposed Mouton HOA and associated common space was a large part of why I bought my home in Provenance HOA, because I enjoy the ability to walk and enjoy those areas.

6. My last concern is that there has been an overall lack of transparency and communication with respect to Mr. Corliss' intentions with the Mouton land, and more specifically its impact on the Provenance HOA. We don't know what he's planning or doing with this land. It appears that this might be some kind of legal posturing to significantly alter the use of the Mouton PUD, which is not what many of us homeowners anticipated when we purchased our homes in the Provenance development. I would just ask that you consider all of these factors when reviewing this short plat.

Respectfully,

Doug Newton  
250 Champagne Way  
Walla Walla, WA 99362

**From:** [Jerald A Hanson](#)  
**To:** [Permits](#)  
**Subject:** File#SPL-22-0007 - Notice Objecting to Corliss Filings  
**Date:** Thursday, November 3, 2022 1:37:49 PM  
**Attachments:** [11-3-2022 Letter to City Development.pdf](#)

---

City of Walla Walla Development Services,

I am attaching my letter challenging the changes to Provenance PUD filed by Corliss and his controlled entities.

This letter explains why I am asking the City to reject the filed changes that have a negative impact on the owners that have purchased homes in this community.

I feel it your duty to leave the community in tact from changes that have negative potential impact on our peace and private roads that he is posturing to utilize for the benefit of his other private development aspirations and profits.

Thank you.

Jerald A. Hanson  
390 Chardonnay Court  
Walla Walla, WA 99362

**Jerald Hanson**

**390 Chardonay Court  
Walla Walla, WA 99362  
Phone: (509)301-6305**

**Preston Fredrickson, Director**

**Development Services Department  
City of Walla Walla  
55 E. Moore Street  
Walla Walla, WA 99362**

**November 3, 2022**

Dear Sir,

Question: Is it your duty to protect a community within Walla Walla from the underhanded abuse of power to alter the master plan of the community and coerce full use of our private roads for the benefit of his adjacent commercial enterprises?

I am a homeowner in the Provenance PUD, a development of Michael Corliss and numerous entities that he controls. Corliss, the Declarant of Provenance HOA CC&R's has filed documents to alter the PHA configuration and grant is non-related adjacent commercial properties to utilize our roads, without compensation, to traffic unlimited agricultural, commercial and any other access through our private community.

He is also dividing the master plan into 2 separate developments that violates our rights under the CC&R's without a vote of the members (not board of directors). Our only recourse is to challenge his maneuverings, carefully orchestrated over the last 6 years, in a court proceeding that could cost our community dearly in time and peace of mind. We bought into a community that he is now manipulating.

I am asking you to utilize your authority to reject his changes to our owned common areas and rights to limit traffic from his associated commercial ventures adjacent.

In reviewing his filings, easement traffic through our community could be agricultural, concert venue attendants, commercial traffic or any other traffic he later decides benefits him. There are no provisions within his filing with the City to compensate PHA HOA for his utilization of our roads, required to be maintained by currently 86 homeowners.

The entities I reference are adjacent (east) properties that are commercial operations known as Blue Mountain Vineyard, LLC and Blue Mountain Commercial, LLC (Tranche Winery).

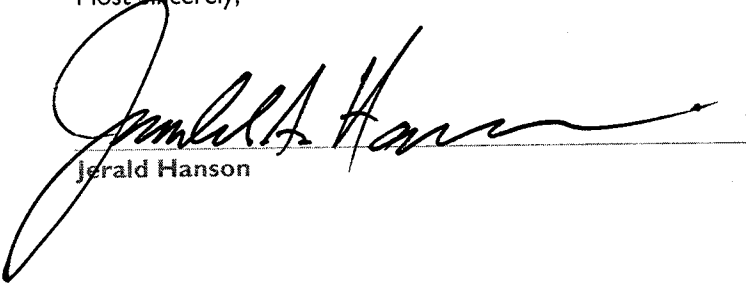
I am asking the Walla Walla City Planning to reject the Grant of Access & Utility Easement through PHA PUD to BMV, LLC and BMC, LLC. Our community streets and ongoing maintenance of these private roads did not anticipate commercial or venue traffic that is anticipated by this portion of Mr. Corliss's filing for changes to our community pending.

In the real world and without the ability to manipulate this sequence of transactions to enhance the value and operation of his wine endeavors, this Grant of Access would be compensable via mutually agreeable terms and limitations between PHA and Corliss for the use of our roads. We have offered to meet and discuss this with Corliss and his board appointees to no avail. They have responded "It is a done deal!"

The City of Walla Walla must protect the intent of the Master Plan and reject the request accordingly. He has offered no compensation, plans, or ongoing assistance for this significant change.

Thank you for your consideration.

Most Sincerely,



Jerald Hanson

On the south bank of Garrison Creek along Pioneer Jr Hi, you'll find two signs. One was placed by WW Public Schools, Kooskooskie Commons, and WA depts of Ecology and Corrections. "Please Help Us Restore Garrison Creek" it reads and asks, among other things, that we "protect the plantings." The second sign, sponsored by WW Co Conservation District and Wildhorse Foundation, is instructional regarding the importance of riparian buffers for the health of rivers and streams. These signs were placed following a sizeable riparian restoration project done in 2014 by Kooskooskie Commons.

Ironically, and tragically, these pleas, these educational efforts went unheeded with the school's recent remodel. A huge part of that riparian work was torn out and replaced with an asphalt parking lot. Now an impervious surface lies immediately adjacent to the stream, violating ecological principles *and* the City Code requiring a 35 foot setback\* from the water in that location.

Are we asking that it be torn up and the riparian habitat be restored? No. We are asking that the Planning Services Department be diligent in their review of proposals to make sure that mistakes such as this are not repeated.

Of interest: the Department is currently considering the proposed Mouton Housing Development along Yellowhawk Creek near its headwaters.

There are plenty of concerns regarding the design of this development project, from no apparent 50 ft riparian protection per Code\* in the proposed new housing part of the plat, excessive impervious surfaces with no apparent way to infiltrate water, and questions as to where runoff is directed from impervious surfaces, all which threaten the water quantity and quality of Yellowhawk and the underlying shallow gravel aquifer.

Walla Walla celebrates *Many Waters*, as exemplified in the name of the renovation of the 1<sup>st</sup> Ave. Plaza. All streams in WW should be protected, but this one is critical for fish migration in the summer months when Millcreek is too low and too warm. Many dollars and many hours have been invested by multiple agencies to optimize conditions for endangered fish in Yellowhawk Creek.

We are requesting that scrutiny be given this proposal and any future proposals to ensure that their efforts are supported rather than jeopardized by expanded development along this critical stream and the <sup>other</sup> many waters in our community.

Linda Herbert  
621 Pleasant St.

Representing WW2020

## **Exhibit 2**

**Hess Letter to City of Walla Walla**

**Dated November 30, 2022**

November 30, 2022

City of Walla Walla  
Development Services  
55 East Moore Street  
Walla Walla, WA 99362  
Attn: Preston Fredrickson

Re. Provenance Shortplat Application

Dear Preston,

I am writing to address the comments the City received in response to Provenance Homeowners Associations ("HOA") Shortplat Application submitted on June 1, 2022 ("Application").

First and foremost, I want to highlight the fact that the HOA is governed by Second Amended and Restated Declaration of Covenants, Conditions and Restrictions recorded April 12, 2012 under Walla Walla County Auditor's No. 2012-02968, as amended by First Amendment to Second Amended and Restated Declaration of Covenants, Conditions and Restrictions for Provenance recorded November 8, 2018 under Walla Walla County Auditor's No. 2018-09298, and Amended and Restated Bylaws of Provenance Homeowners' Association dated February 29, 2008 (collectively, the "Governing Documents"). As you are aware, the Application was submitted by the HOA Board. Prior to submitting the Application, the Board met multiple times to discuss the Application and review the supporting documents pursuant to the rules and processes set forth in the Governing Documents. While the Board is still under Class B Declarant control, the Board agreed to engage Wyatt Rolff as outside counsel ("Rolff") to review the Application and supporting documents on behalf of the HOA. The 2 independent Board members selected Rolff as counsel and managed communications with him. The Application and supporting documents were drafted, in part, based on advice from Rolff and were voted on and approved by the HOA Board.

#### MAINTENANCE COSTS AND WALKING PATH ACCESS

Residents of the HOA expressed concern about the maintenance costs and responsibilities for the roads and common areas and continued access to the walking path. These concerns are addressed in the Declaration and Grant of Access and Utility Easement ("Access Easement") and Declaration and Grant of Access Easement ("Pedestrian Easement"), copies were provided to the City with the Application. To summarize, all residents of the PUD retain access to the walking and biking path per the terms of the Pedestrian Easement. The parties share the HOA-owned road maintenance costs on a pro-rata basis per the terms of the Access Easement. Mouton pays 100% of the maintenance costs for Mouton-owned roads and common areas.

#### GREENBELT OWNERSHIP

Residents also expressed concern over the transfer of APN 360722659902 (the "Greenbelt") from the HOA to Mouton Acres. The narrative submitted with the Application explains that this transfer was requested by the HOA Board. Although the Board is still under Declarant control pursuant to the terms of the Governing Documents, this request was brought to the Board by



the 2 independent Board members based on the advice of Rolff. Rolff determined that the Greenbelt presents a liability to the HOA and recommended that the HOA request this transfer.

Residents also assert that the HOA should be compensated if the Greenbelt is transferred to Mouton. The Greenbelt exists as open, green space within the plat. All residents of the plat have access to and enjoyment of the Greenbelt by virtue of the plat. This will not change if ownership changes. Maintenance responsibilities and costs will remain the obligation of Blue Mountain Vineyard ("BMV") pursuant to the Easement and Agreement (Hillside Greenbelt and Vineyard Pump House) recorded March 7, 2008 under Walla Walla County Auditor's No. 2008-02139. Based on the advice of Rolff and with the support of the independent members, the Board determined the Greenbelt has no monetary value.

#### FUTURE DEVELOPMENT AND INCREASE IN TRAFFIC

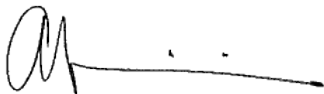
Residents expressed concern over future development of the Mouton property and the possibility of allowing 2 HOAs to exist within the PUD. Residents also complain about the potential increase in traffic that will result from this Application. They misunderstand the purpose of the Application. As the City is aware, the Application is to divide 2 common area parcels within the PUD and allow for a change in ownership; this is not an application for a permit to develop property nor is it to establish another homeowners' association. However, the Residents fail to acknowledge that all lots within the development are entitled to access and use the roads in the PUD, not just the developed lots within the HOA. In 2010 the City Council approved a resolution allowing for the development of 189 lots in the PUD; currently there are 88 developed lots in the PUD leaving around 100 lots that could be developed under the City's density requirements. An increase in traffic has already been contemplated and approved. As to the Residents' complaints about farm vehicle access, this was discussed and voted on by the Board.

#### YELLOWHAWK CREEK

Finally, the letters from Friends of Yellowhawk Creek, Kooskooski Commons and Walla Walla 2020 express concern over the impact the Application may have on Yellowhawk Creek and the proximity of the new "development" to the riparian buffer. I question whether these organizations have standing to comment on the Application; they are not residents or neighbors of the HOA and they are not impacted by the Application. Even if they do have standing, they also misunderstand the purpose of the Application. Yellowhawk Creek and the riparian buffer will not be disturbed by a parcel division, the change occurs on paper.

Thank you for your careful consideration. As always, I can be reached by phone or email if you have any additional questions.

Regards,



Amy Phillips Hess  
Corporate Counsel